

Wildlife and the Law

The legislative and policy framework

Society considers that biodiversity is important and as a result there are policy and legal frameworks providing protection and enhancement at all levels, from global to local. In addition to broad policies and laws that give general protection to species and habitats, an additional layer of legal protection is given to particular species and habitats.

You should ensure that any work you carry out is in accordance with the relevant legislation, whether general or specific, and that your activities do not harm any protected sites or species.

The following gives an overview of the relevant policy and legal frameworks that apply. Please note that some of this legislation will change when the UK leaves the EU.

Overarching policy

['A Green Future: Our 25 Year Plan to Improve the Environment'](#) sets out how the UK government aims to create a better environment by working with communities and businesses. Objectives include using the land more sustainably and creating new habitats for wildlife to stop the decline in native species and improve our biodiversity.

Some of these objectives will be met through development control processes and legal frameworks, but other methods include:

- a new system of financial support to help farmers turn fields to meadows rich in herbs and wildflowers, to plant more trees, restore habitats for endangered species, recover soil fertility and attract wildlife.
- measures to help transform fragmented 'island' landscapes and habitats into connected sites by creating larger wildlife corridors which help species to move around more easily.
- working with nature to protect communities from flooding, by slowing the flow of rivers and creating and sustaining wetlands to reduce flood risk and provide valuable habitats.

This 25 Year Plan is partly driven by the need for the UK Government to deliver on its global commitments for biodiversity conservation as set out in the [Convention on Biological Diversity](#) (Biodiversity Convention or CBD); this was adopted at the Conference on Environment and Development (the "Earth Summit") in Rio de Janeiro in June 1992, and in force from December 1993.

Contracting Parties are required to create and enforce national strategies and action plans to conserve, protect and enhance biological diversity (including ecosystems). Currently, biodiversity action should be aimed at helping to deliver the [Aichi Targets](#), which were set for 2011-2020.

The next set of targets, the post-2020 Framework, will be agreed at the global conference of nations signed up to the Biodiversity Convention in late October 2020 at Kunming in China.

Statutory designated sites

If a site of nature conservation importance has 'Statutory Protection', it means that it receives protection by means of legislation in recognition of its biodiversity and/or geological value. For more information about protected sites, please refer to the '**Protected Sites**' leaflet in this series.

Protected species

Some species of wildlife are protected by legislation and planning policy because of their rarity, biodiversity significance or historical persecution. These species are called 'protected and notable species', and the legislation applies to anyone managing land, as well as Parish Councils and developers, to ensure that any practical work is not breaking the law.

Natural England has produced [advice on protected sites and species](#) which is aimed towards developments.

The JNCC (Joint Nature Conservation Committee) is the public body that advises the UK Government and other administrations on UK and international nature conservation. It produces regularly-updated information in the form of [spreadsheets of conservation designations for all UK species](#). For more information about protected sites, please refer to the '**Protected Species**' leaflet in this series.

Other important legislation

The Wildlife and Countryside Act 1981 (WCA 1981)

[The Wildlife & Countryside Act 1981 \(as amended\)](#) is the principal piece of UK legislation relating to the protection of wildlife. It consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive) in Great Britain.

- **Wild Birds:** The Act makes it an offence (with exception to species listed in Schedule 2) to intentionally kill, injure, or take any wild bird or their eggs or nests. Special penalties are available for offences related to birds listed on Schedule 1, for which there are additional offences of disturbing these birds at their nests, or their dependent young. It also prohibits certain methods of killing, injuring, or taking birds, restricts the sale and possession of captive bred birds, and sets standards for keeping birds in captivity. The Secretary of State may also designate Special Protection Areas to provide further protection to birds.
- **Wild Animals:** The Act makes it an offence (subject to exceptions) to intentionally kill, injure, or take, possess, or trade in any wild animal listed in Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places. It also prohibits certain methods of killing, injuring, or taking wild animals listed in Schedule 6.
- **Wild Plants:** The Act makes it an offence (subject to exceptions) to pick, uproot, trade in, or possess (for the purposes of trade) any wild plant listed in Schedule 8, and prohibits the unauthorised intentional uprooting of such plants.
- **Non-native Species:** The Act contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of animals and planting of plants listed in Schedule 9. There is also a mechanism by which licences can be granted by appropriate authorities to allow the above.
- **Designated Sites:** SSSIs (Sites of Special Scientific Interest) have protection via the WCA 1981. The Act also allows for the designation of National Nature Reserves under section 35.

Conservation of Habitats and Species Regulations 2017

The [Conservation of Habitats and Species Regulations 2017](#) protects European sites (SPAs and SACs) and European Protected Species (Schedule 2).

Habitats and Birds Directives

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites that are considered to be of importance at European level and have been designated under the Habitats and Birds Directives (with underpinning legislation from the Bern and Bonn Conventions).

In the EC, these conventions are enforced through the Birds Directive and Habitats and Species Directives (often shortened to 'Habs Regs') which are transposed to legislation in England via the WCA and Conservation of Habitats Regulations (2017).

Natural Environment and Rural Communities Act 2006 (NERC Act)

Section 40 under the NERC Act 2006 carries an extension of the 'biodiversity duty' originally stipulated in the Countryside and Rights of Way Act 2000 (CRoW Act). Public organisations including Parish Councils operating under Section 40 of the NERC Act must consider the conservation of biodiversity in England in the exercising of their day-to-day duties.

Section 41 under the NERC Act requires the Secretary of State to publish a list of habitats and species of principal importance for the purpose of conserving biodiversity in England. A total of 56 habitats and 943 species of principal importance are included on the Section 41 list. Here is the [archived but still relevant UK Government list for England](#). This list is also available on the Natural History Museum's website www.nhm.ac.uk/our-science/data/uk-species/checklists/NHMSYS0020515439/index.html.

The Act also affords protection to floral, faunal, geological and physiographical features of SSSIs.

Countryside and Rights of Way Act 2000 (CRoW Act)

The protection of SSSIs, already established in the Wildlife and Countryside Act 1981, is strengthened in this legislation. The Act also allows for prosecution of third parties that damage or destroy a SSSI.

Hedgerow Regulations 1997

These regulations protect species-rich and ancient hedgerows (but not garden hedges). Owners and managers must request permission from their local authority before removing a hedgerow, and permission may not be granted if it supports a diverse range or protected species. The hedgerow must meet the Hedgerow Regulations Criteria if it is to be given protection.

Wild Mammals (Protection) Act 1996

This Act offers protection to all wild species of mammals and is more of an animal welfare than conservation Act.

Protection of Badgers Act 1992

This animal welfare legislation protects badgers and their setts, and makes it illegal to:

- Wilfully capture, injure or kill a wild badger
- Be in possession of a live or dead badger
- Destroy or obstruct access to an active badger sett

Planning Frameworks - see 'Commenting on Planning Applications' leaflet in this series.

The Localism Act 2011

The [Localism Act 2011](#) enables a Parish Council to create a [neighbourhood plan](#), which is a valuable way to seek protection and enhancement of biodiversity in the local area. See '**Neighbourhood Plans and Biodiversity**' leaflet in this series for more information.

Further information

- **'A Green Future: Our 25 Year Plan to Improve the Environment'**
<https://www.gov.uk/government/publications/25-year-environment-plan>
- **Convention on Biological Diversity**
<https://www.cbd.int/>
- **Aichi Targets**
<https://www.cbd.int/doc/strategic-plan/2011-2020/Aichi-Targets-EN.pdf>
- **Natural England—Protected Sites and Species**
<https://www.gov.uk/topic/planning-development/protected-sites-species>
- **JNCC - UK conservation designations spreadsheet**
<https://jncc.gov.uk/our-work/conservation-designations-for-uk-taxa/>
- **Wildlife and Countryside Act 2001**
<http://www.legislation.gov.uk/ukpga/1981/69>
- **Conservation of Habitats and species Regulations 2013**
www.legislation.gov.uk/uksi/2017/1012/contents/made
- **Natural Environment and Rural Communities Act 2006 (NERC Act)**
<http://www.legislation.gov.uk/ukpga/2006/16/contents>
- **S41 Habitats and Species**
www.nhm.ac.uk/our-science/data/uk-species/checklists/NHMSYS0020515439/index.html
- **Habitats and Species of Principal Importance in England**
<https://webarchive.nationalarchives.gov.uk/20140712055944/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>
- **Countryside and Rights of Way Act 2000**
<http://www.legislation.gov.uk/ukpga/2000/37/contents>
- **Hedgerow Regulations 1997**
<http://www.legislation.gov.uk/uksi/1997/1160/contents/made>
- **Wild Mammals (Protection) Act 1996**
<http://www.legislation.gov.uk/ukpga/1996/3/contents>
- **Protection of Badgers Act 1992**
<http://www.legislation.gov.uk/ukpga/1992/51/contents>
- **Localism Act 2011**
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>