

**Wildlife, Water and Weather – An Environmental Minefield
Forestry Engineering Group Annual Symposium, 2014**

Forestry, wildlife and the law

Dr Mark Webb



Brief outline

To review the importance of considering protected species properly before and during forestry operations, including

- **Wildlife law**
- **Key species affected**
- **Forestry Operations responsible**
- **How to deal with protected species issues including examples.**

Wildlife law

Relevant legislation comes in three components:

1. Species specific laws, e.g. Protection of Badgers Act 1992.

2. Laws which deal with **Protected Species**

E.g. Wildlife and Countryside Act 1981 (as amended; England & Wales) and Nature Conservation (Scotland) Act 2004.

Habitat Regulations 1994 and Conservation of Habitats and Species Regulations 2010 (European protected species)

Wildlife law

3. Laws which deal with **European Protected Species**, i.e. Habitat Regulations 1994 and Conservation of Habitats and Species Regulations 2010 (as amended in 2012).

In all of the above, birds are treated to separately to other animals.

European protected species

EPS are strongly protected and in practice, represent a higher priority for the SNCOs (Statutory Nature Conservation Organisations).

We must take a thoughtful, precautionary approach where EPS are concerned and be seen to be doing so.

It is particularly important to 'mitigate by avoidance' because of the exacting licensing requirements.

Penalties = up to £10,000 per offence and/or 6 months custodial sentence.

European protected species

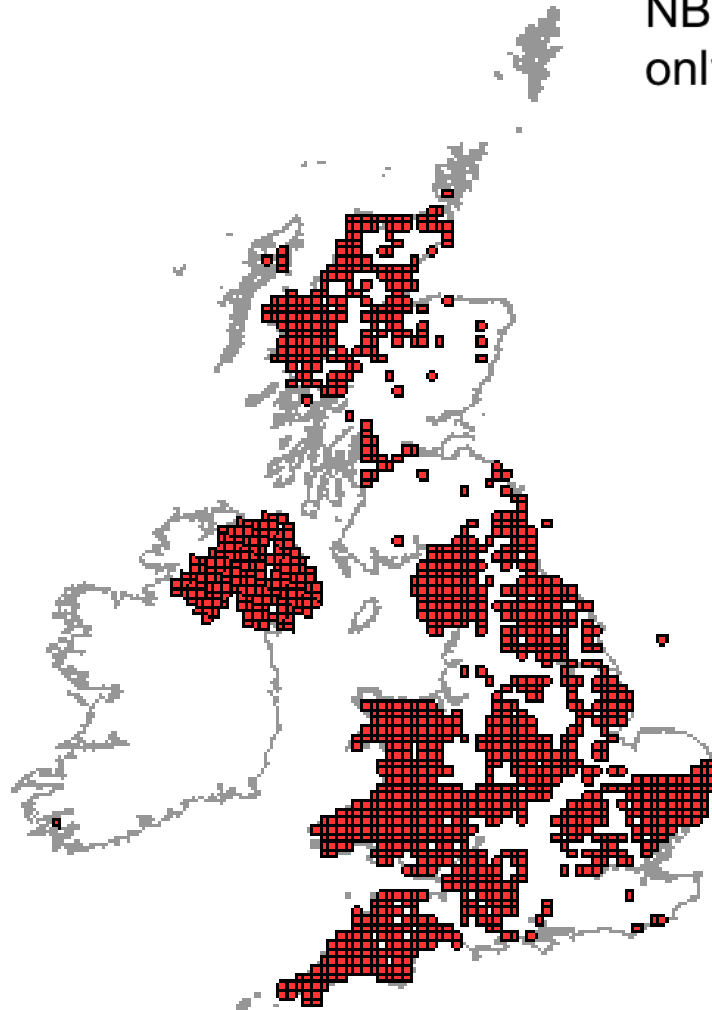
Key species examples:

Otter



Otter Distribution

NB. 2001 to 2011 records only



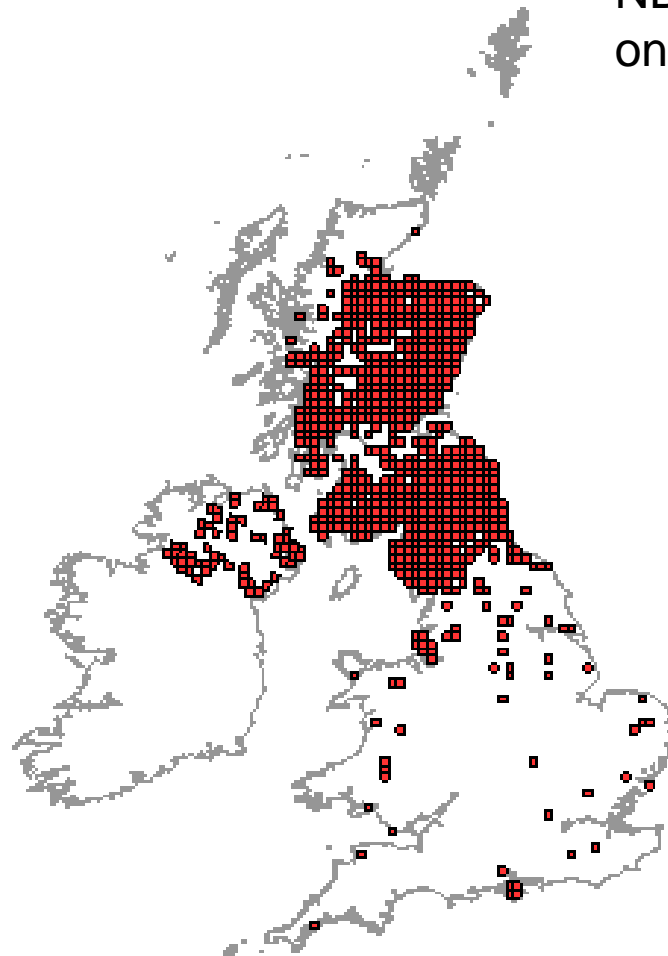
Red Squirrel



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Red Squirrel Distribution

NB. 2001 to 2011 records only



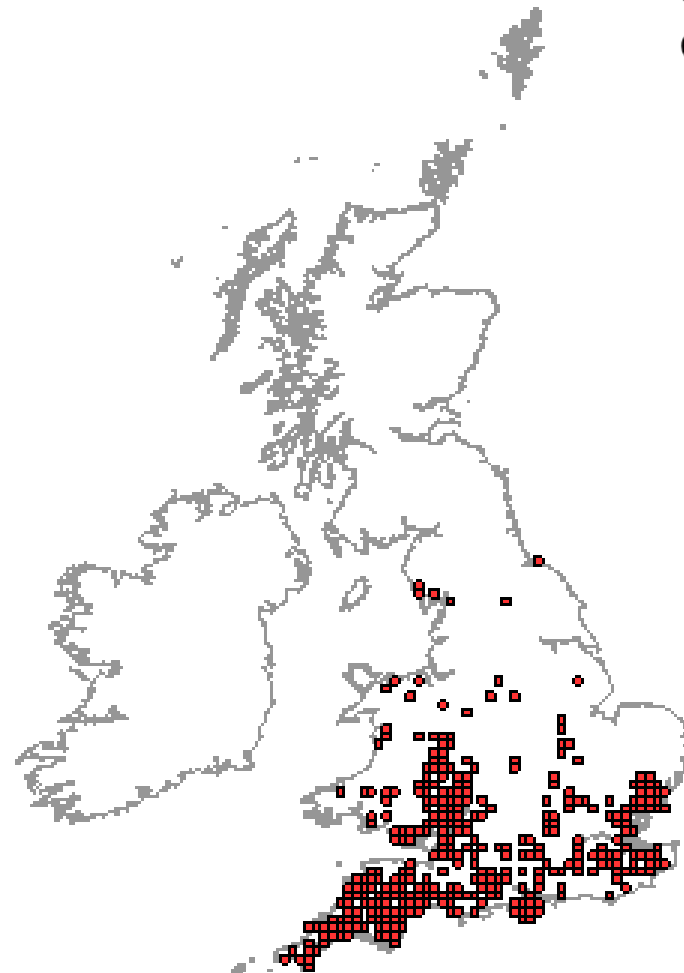
Dormice



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Dormouse Distribution

NB. 2001 to 2011 records only



‘Regular’ protected species

Not European Protected Species, but still listed on the Wildlife & Countryside Act and/or Nature Conservation (Scotland) Act.

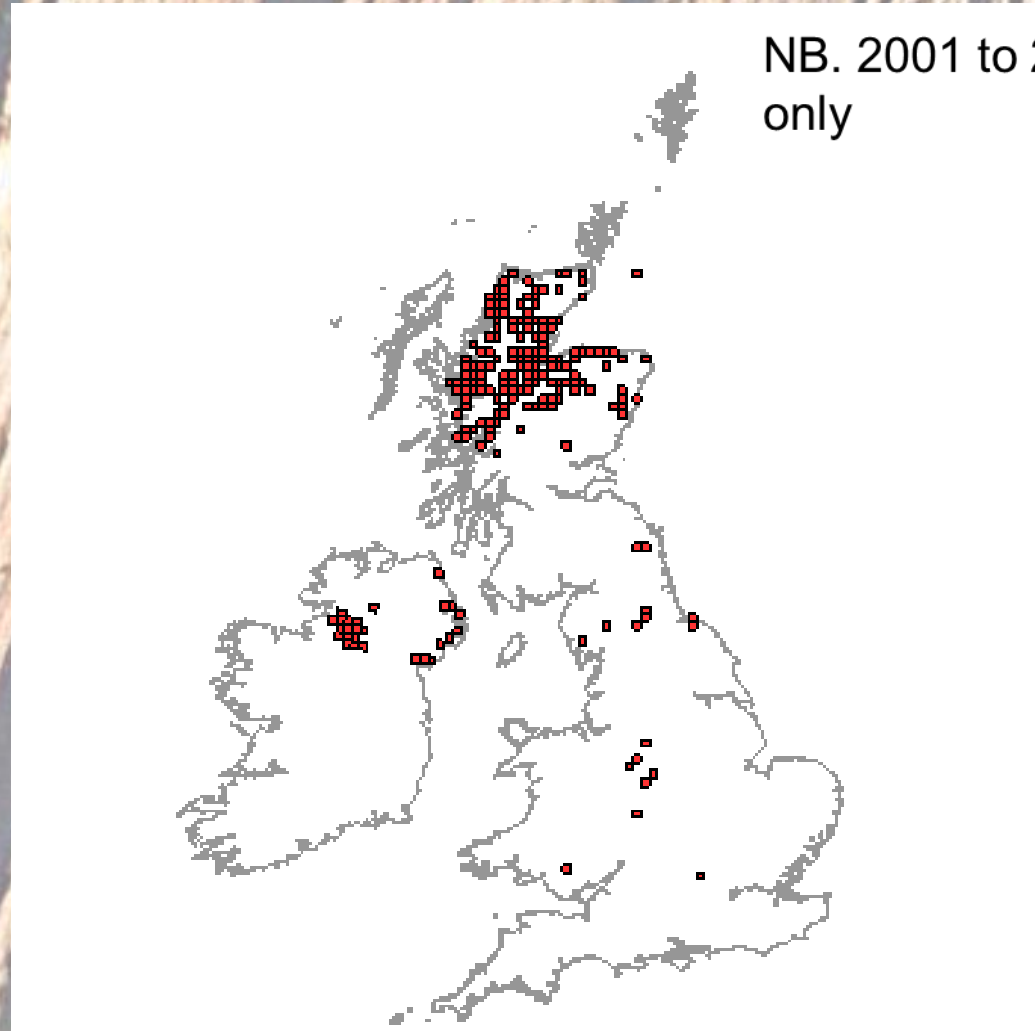
Key species examples:

Pine marten



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Pine marten distribution

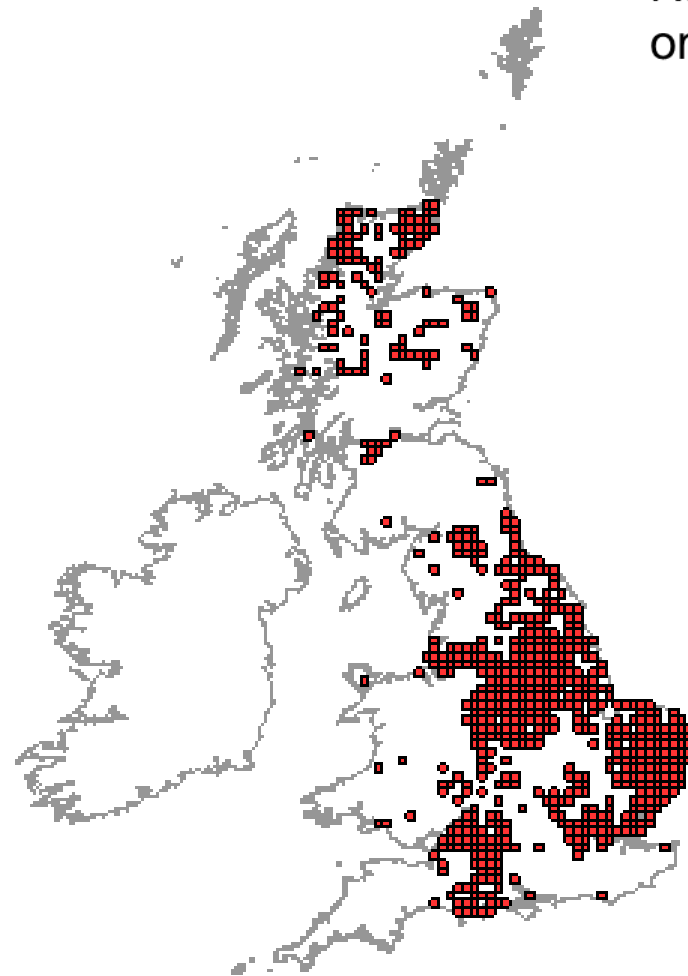


Water vole



Water vole distribution

NB. 2001 to 2011 records only



Birds

The degree of legal protection varies, as do the legal penalties, but:

ALL British birds, including their nests and eggs are legally protected,

i.e. from killing, injuring or taking from the wild.

Species listed on Schedule 1 are *specially protected*.
E.g. from disturbance whilst nesting or attempting to build a nest.

Birds

The maximum penalty for an offence under the WCA – in respect of a single bird, nest or egg receiving ordinary protection – is a fine of up to £1,000.

The maximum penalty for an offence under the WCA – in respect of a single bird, nest or egg receiving Schedule 1 protection – is a fine of up to £5,000. Also applies to illegal methods of killing any birds, e.g. poisoning.

Fines are and/or 6 months imprisonment; especially applied to egg collectors.

Birds

There are 80 birds listed on Schedule 1

The following are just two examples of those most likely to be encountered:

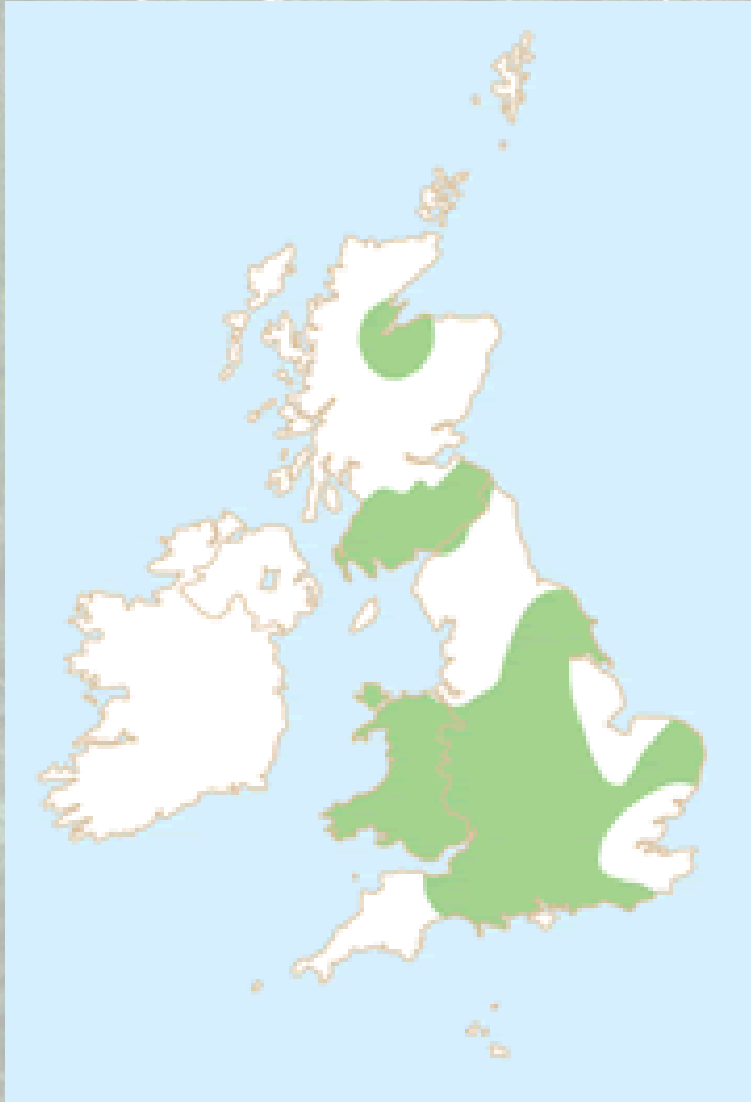
Goshawk



Hobby



Goshawk



Hobby



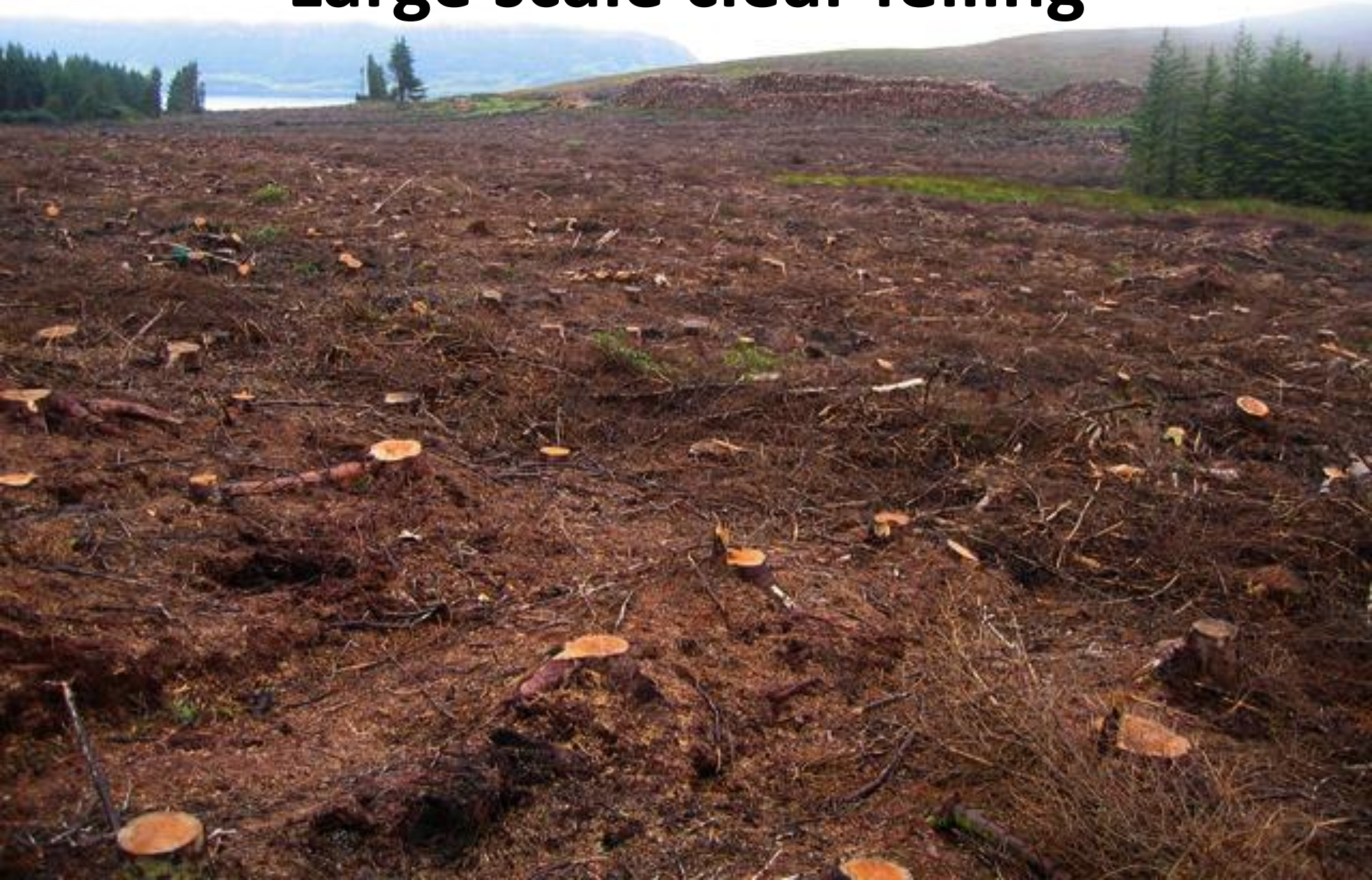
Forestry operations



Forest harvesting



Large scale clear felling





Ditch works

**Including cutting new drainage
and re-trenching**

Forest roads

- Forest tracks and roads
- Both new build and upgrading
- Including water course crossings



How do we deal with all these protected species?

1. Make proper use of pre-existing (desk top) information.

MAGIC for statutory sites. FREE

NBN Gateway (National Biodiversity Network) website for protected species records. FREE

Biological Records Centres for protected species records – may hold more detailed/recent information. COSTS

NB. Using GIS, it is possible to overlay forestry sites with all designated nature conservation sites and all known records of protected species from the last 10 years.

2. *Engage* with nature conservation organisations.

As long as they feel that they are in the dark and you are doing what you like when you like, you will be in potential conflict.

How do we deal with all these protected species?

3. Get organised with a programme of strategic field survey.

E.g. Narrow down your aims and objectives via (1) and (2) and then carry out surveys on a rolling programme across sites (3-yearly?) to minimise nasty surprises.

4. Pre-felling survey.

E.g. Implement a thorough search of compartments earmarked for clear fell, especially otters on watercourses and badgers. Remember – this is not achievable on a quick walkover, it requires accessing all parts of a site and proper searching of dense vegetation etc.

5. Make sure you are up to date with the guidance.

Examples: Using camera traps and peanut feeders to survey red squirrels, Forestry Commission





**Examples: badger surveys and
licensed sett closures**



Badgers: England, Scotland & Wales

Protection of Badgers Act 1992 – Applies in England, Scotland & Wales, but is interpreted differently in each!

Survey method involves searching and accurately mapping (GPS) all field signs i.e. setts, latrines, snuffling, hairs etc.

Best time of year is January-March.

NB. Camera traps can be really helpful!









Signpost with text (partially obscured)

fountains

CASTLECARY FOREST BADGER SETT EXCLUSION

The fencing and gates installed at this location are for the purposes of a badger sett closure in accordance with conditions detailed in Badger Licence Number 12151 as issued by Scottish Natural Heritage (SNH) Species Licencing Team.

Removal or disturbance of this equipment is an offence which could lead to animal suffering and may result in prosecution under the Protection of Badgers Act 1992.

Falkirk Council, Scottish Badgers, and Central Scotland Police have been notified of this activity.

If you have any questions in relation to this matter please contact Fountains Forestry Limited on:

Telephone: 01848 331218

or

Email: dumfries@fountainsforestry.co.uk

www.fountainsforestry.co.uk



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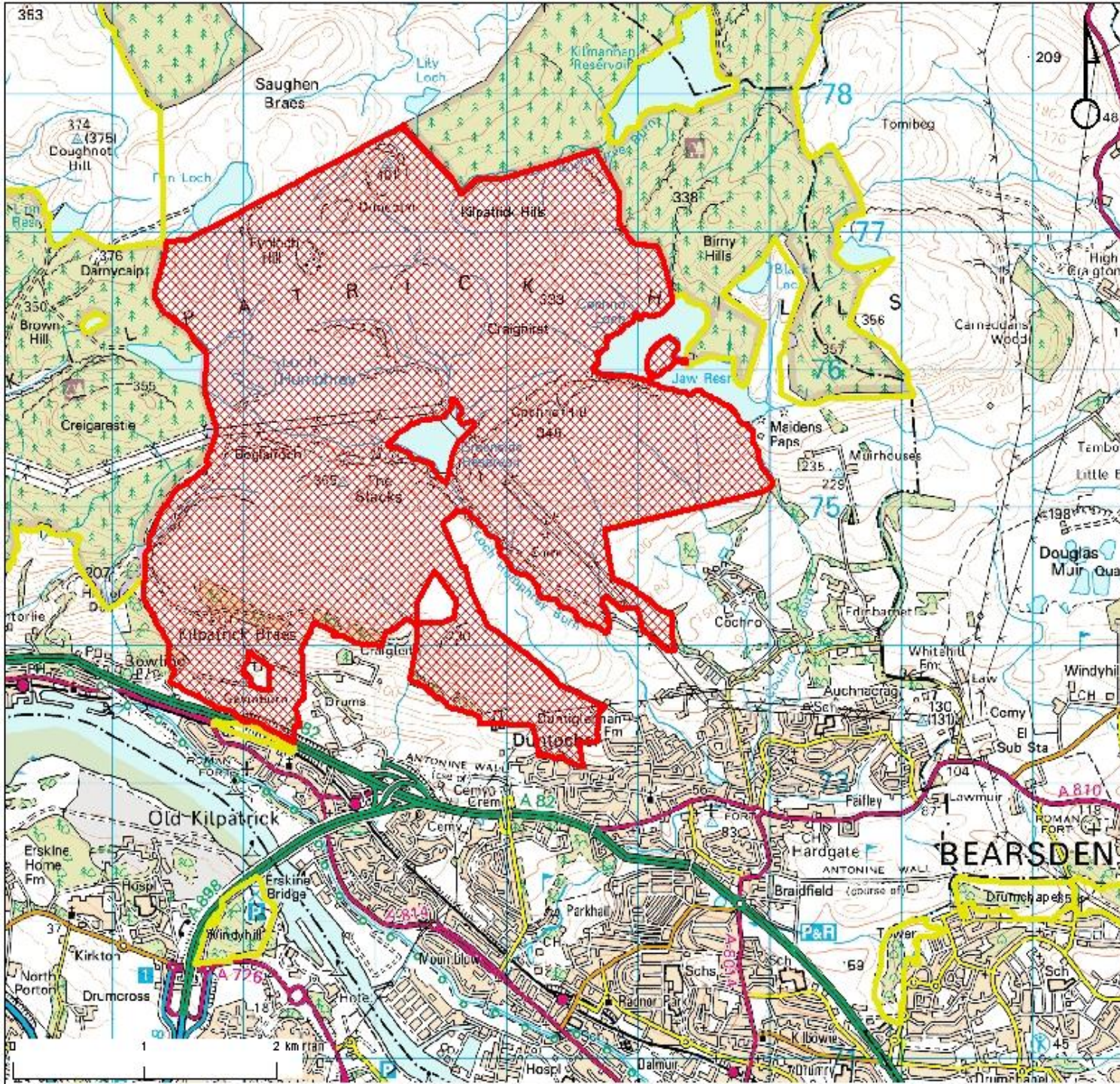


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Examples: Black grouse training and surveys, Forestry Commission









Scottish Lowlands FD

Kilpatrick Hills Black Grouse Defined Monitoring Area

19 Dec 2013

Legend

-  Defined Monitoring Area
-  FC land



Appendix: Guidance relevant to protected species

Examples include

Forestry Commission Scotland Guidance Notes

34: *Forest operations and European protected species in Scottish forests.*

35c: *Forest operations and otters in Scotland.*

Forestry Authority Forestry Practice Guides

9 *Forest operations and badgers setts.*

Forestry Commission England & Natural England Interim Guidance

Guidance on managing woodlands with great crested newts in England.

Guidance on managing woodlands with sand lizard and smooth snake in England.

How do we deal with all these protected species

Forestry Commission England & Natural England Interim Guidance

- *Guidance on managing woodlands with great crested newts in England.*
- *Guidance on managing woodlands with bats in England.*
- *Guidance on managing woodlands with otter in England.*
- *Guidance on managing woodlands with dormice in England.*
- *Guidance on managing woodlands with sand lizard and smooth snake in England.*
- *Badgers and development – A guide to best practice and licensing.*