

Fivehead Parish Council.

Environment and Wildlife Legislation, including the updated Wildlife and Countryside Act 1981.

Created by Dave Braddock – July 2023.

Wild Bird Legislation (2015) – Natural England, Defra.

Next update July 2024

A one stop place for all the community of Fivehead to check the latest legislation for Wild Bird protection. This document should hopefully assist as a guide if you are a member of the public and see something going on, a farmer wanting to work on a hedgerow, a Parish Councillor replying to a planning application, a resident thinking of doing some building work and a developer considering building on a plot of land. This document does not cover every legal aspect but is intended to be used as a guideline so professional advice is needed before starting.

If you see something going on in the community that you are not sure about, The Parish Council can be contacted at:

fiveheadpc@gmail.com

Target Audience.

- Parish Council
- Members of the public
- Planning Applications
- Farming Community
- Developers
- Illegal Activity

Wild Bird Legislation.

All wild bird species, their eggs and nests are protected by law. You must always try to avoid harming birds or to use measures which do not kill or injure them before considering taking harmful action.

In most cases you should be able to avoid harming wild birds by:

- timing your work to avoid the breeding season, (1st March – 31st August.)
- using a range of methods that deter but don't harm them

In exceptional cases the law allows certain exemptions to permit legal activities (such as a development with planning permission) and where avoiding harm isn't possible. You may also be able to get a licence from Natural England for certain activities if you need to remove wild birds because they're causing problems.

What you must not do.

You're breaking the law if you:

- intentionally kill, injure, or take wild birds
- intentionally take, damage, or destroy a wild bird's nest while it's being used or built
- intentionally take or destroy a wild bird's egg
- possess, control or transport live or dead wild birds, or parts of them, or their eggs
- sell wild birds or put them on display for sale
- use prohibited methods to kill or take wild birds

Some birds, known as schedule 1 birds, e.g., barn owls, have extra legal protection. For these bird species it's also an offence to do the following, either intentionally or by not taking enough care:

- disturb them while they're nesting, building a nest, in or near a nest that contains their young
- disturb their dependent young

You could get an unlimited fine and up to 6 months in prison for each offence if you're found guilty.

Activities that can harm birds.

These activities can affect wild birds, particularly during breeding season:

- trimming or cutting trees, bushes, hedges and rough vegetation
- renovating, converting, or demolishing a building
- creating disturbance, e.g., noise, lighting, and vibration
- taking actions to prevent problems, e.g., shooting birds or removing nests

When can you get a licence?

There are no licensing purposes to permit development or construction but there are ways you can continue development or construction when birds are present. These activities should rely upon the legal exemptions. You must make sure that you can comply fully with the terms of the exemption so that you don't break the law.

You can apply for a licence from Natural England in certain circumstances and for certain problems.

Licences are available for disturbing or harming birds for a limited number of reasons that include:

- preserve public health and safety
- preserve air safety
- do work for science, education, or research
- prevent damage to crops or animal feed
- conserve plants and animals (including other wild birds)
- prevent damage to fisheries
- take part in photography, falconry, keeping or breeding birds