

# **Protected Species in London**

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## **Contents**

1	Introduction	1
2	Relevant legislation	1
3	Birds	2
4	Mammals, reptiles and amphibians	2
5	Invertebrates	4
6	Fish	4
7	Plants and fungi	4
8	Species protection through site designation	5
9	Interpretation of wildlife legislation	5
10	Licensing and enforcement	5
11	Best Practice for planners	6
12	References and further reading	8
<b>Appendices</b>		
1	Specially protected species occurring in Greater London	10
2	Borough Wildlife Crime Officers	13

# Protected Species in London

## 1 Introduction

This document summarises the legal protection afforded to particular plant and animal species in London through UK legislation and international conventions or directives. It was prepared to assist Greater London Authority and borough planning officers, and others, dealing with protected species issues.

Many species are protected to varying degrees through specific legislation such as the *Wildlife and Countryside Act, 1981* and the *Conservation (Natural Habitats &c.) Regulations, 1994*. Enforcement of such legislation is primarily a police matter. Whilst such legislation is largely independent of planning law, Government guidance makes it clear that it may, nevertheless, be directly relevant to planning and will need to be taken into account. The guidance contained in *Planning and Policy Guidance; Nature Conservation (PPG9)* is that the presence of protected species and their habitats may be a material consideration in planning. Moreover, Regulation 3(4) of the *Conservation (Natural Habitats &c.) Regulations* imposes an important duty on planning authorities to have regard to the requirements of the Habitats Directive (see below) in the exercise of their functions.

While this document clearly emphasises the need to protect rare and endangered wildlife, it must be remembered that biodiversity conservation is also about maintaining the commonplace. Species and habitats have value beyond their statutorily recognised status and action to preserve wildlife should not be restricted to legal obligation.

## 2 Relevant legislation

The two main instruments of statutory wildlife protection applying in London are the *Wildlife and Countryside Act, 1981* (as amended; most recently by the *Countryside and Rights of Way Act, 2000*); and the *Conservation (Natural Habitats &c.) Regulations, 1994*. Part I of the *Wildlife and Countryside Act* is concerned with the protection of species, while Part II relates to the designation of protected areas. Since the original edition of this guide, the *Conservation (Natural Habitats &c.) Regulations* (the “Habitats Regulations”) have come to play an increasingly influential role in planning.

The various Schedules of the *Wildlife & Countryside Act* (which list the species afforded protection) have been reviewed every five years since coming into force. Species have been added or removed according to changes in their status, and their vulnerability to national extinction and acts of cruelty. Amendments have also raised the maximum fines for offences.

The *Wildlife & Countryside Act* is the means through which several international conventions and directives are implemented in the UK. These include the *Convention on the Conservation of European Wildlife and Natural Habitats* (the “Bern Convention”), the *European Union Directive on the Conservation of Wild Birds* (“Birds Directive”) and the *European Union Directive on the Conservation of Natural Habitats and Wild Fauna and Flora* (“Habitats Directive”). The Habitats Directive is transposed into UK law also by the Habitats Regulations, which provide additional protection to species listed on its Annex IV. These are commonly referred to as ‘European protected species’.

Other legislation protecting species in the UK includes the *Protection of Badgers Act, 1992*, the *Deer Act, 1991*, the *Conservation of Seals Act, 1970* and the *Wild Mammals (Protection)*

Act, 1996. The first of these will be dealt with only briefly here, as the Greater London Authority has issued an advice note that specifically addresses badger issues<sup>1</sup>.

### 3 Birds



Birds are protected through Sections 1-8 (referring to Schedules 1 to 4) of the *Wildlife & Countryside Act* (enacting the Bern Convention and the Birds Directive). With certain exceptions, all wild birds and their eggs are protected from intentional killing, injuring and taking; they cannot be in anyone's possession, whether live or dead, and their nests (whilst being built or in use) cannot intentionally be taken, damaged or destroyed. Significantly, this affects the clearance or routine maintenance of vegetation holding birds in the nesting season.

It is not an offence if it can be shown that the actions were incidental to a lawful operation and could not have reasonably been avoided (see **9** below). Moreover, Schedule 2 is a list of traditionally hunted birds for which protection does not apply outside a "close season". This list includes **Tufted duck, Gadwall, Goldeneye, Canada goose, Greylag goose, Mallard, Pintail, Pochard, Shoveler, Teal, Wigeon** (close season between 1 February-31 August<sup>2</sup>), **Common snipe** (1 February-11 August), **Woodcock** (1 February-30 September) and **Coot, Moorhen and Golden plover** (1 February-31 August).

A General Licence is issued annually by DEFRA to permit the killing and taking of certain "pest" species at any time over land with the owner's permission. These include **Carrion crow, Collared dove, Herring gull, Lesser and Great black-backed gulls, Jackdaw, Jay, Magpie, Feral pigeon, Rook and Wood pigeon**. Due to a current national decline, the House sparrow and Starling were recently removed from this list.

Schedule 1 is a list of nationally rare breeding birds for which all offences carry special (higher) penalties. The legislation also makes it an additional offence to intentionally or recklessly disturb adults or the dependent young of these species, at any stage of their breeding. From this list only **Kingfisher, Hobby, Barn owl, Little ringed plover, Peregrine, Firecrest, Cetti's warbler, Marsh warbler and Black redstart** occur at all regularly as breeding species in London. Schedule 1 species breeding irregularly in London have included **Bearded tit, Black-necked grebe, Common crossbill, Garganey and Avocet**. Where disturbance has occurred to Schedule 1 species, proof that reasonable care had been taken and that harm could not have been avoided would be an insufficient defence.

Other Sections prohibit certain methods of catching and killing birds; restrict the sale or other forms of trade of wild birds and their eggs if not bred in captivity (except those listed on Schedule 3); restrict the exhibition of birds; prohibit the possession of species on Schedule 4 unless registered and ringed; and set standards for keeping birds in captivity.

### 4 Mammals, reptiles and amphibians

Section 9 of the *Wildlife & Countryside Act* protects mammals listed on Schedule 5. The fullest protection prohibits intentional killing, injuring or taking, possession and trade; as well as intentional or reckless damage, destruction or obstruction to places of shelter, and disturbance of the species whilst occupying places of shelter. Mammals found in London and

<sup>1</sup> Dawson D & Waite M J (2000) *Badgers and Land Use in London*. GLA, 2001

<sup>2</sup> 21 February-31 August below Spring HWM

fully protected in this way include all **bats** (of which **Common** and **Soprano pipistrelles**, **Noctule**, **Serotine**, **Brown long-eared bat** and **Daubenton's bat** are most likely to be encountered), the **Common dormouse**, the **Water vole** and the **Otter**. The *Protection of Badgers Act* effectively affords full protection to this species.

With the exception of the Water vole and Badger, these are also European protected species listed in the Habitats Regulations. Regulation 39 of these affords much the same protection as applies to fully protected species on *Wildlife & Countryside Act* Schedule 5, although "intentionally" or "recklessly" is replaced by "deliberately" in the Habitats Regulations, while no such forethought is required for an offence to exist involving damage, destruction or obstruction to places of shelter, or possession and trade. The Regulations are viewed as the superior legislation where European protected species are concerned, under which all offences involving these are now prosecuted.



It is not an offence involving damage, destruction or obstruction to places of shelter, or disturbance of the protected mammal whilst occupying its place of shelter, if this occurs within a dwelling house (Section 10(2) *Wildlife & Countryside Act*; Regulation 40(2) Habitats Regulations). Nor is an offence committed under Section 9 or Regulation 39, if it can be shown that an otherwise illegal action was the incidental result of a lawful operation *and* could not reasonably have been avoided (Section 10(3c)/Regulation 40(3c)). However, these defences are not applicable in relation to bats, except if found in the actual living area of the dwelling house when they may carefully be removed.

Section 11 of the *Wildlife & Countryside Act* prohibits the use of certain methods for killing and catching any wild animal, and further methods for killing and catching species listed on Schedule 6. Species protected by Schedule 6 in London include the **Badger**, **Hedgehog**, and the **Common**, **Pygmy** and **Water shrews**.

The *Deer Act*, 1991 prohibits the poaching, taking or killing at night, or in the close season<sup>3</sup>, of deer. It also controls the sale of venison and the use of certain types of firearm for legal shooting. Species affected in London include **Fallow**, **Roe** and **Muntjac deer**, mainly in the outer boroughs. The *Conservation of Seals Act*, 1970 regulates the culling of **Common** and **Grey seals** in a similar way. Finally, the *Wild Mammals (Protection) Act*, 1996 is primarily welfare legislation making it an offence to cruelly kick, beat, impale, burn, crush or drown any wild mammal.

Reptiles and amphibians are protected by the same Sections of the *Wildlife & Countryside Act*, and the Habitats Regulations, as affect mammals. For all of London's wild species of reptile, including **Common lizard**, **Slow-worm**, **Grass snake** and **Adder**, protection under Section 9 of the *Wildlife & Countryside Act* prohibits intentional killing, injury and trade only. Therefore taking and possession are not generally prohibited, and neither is damage, destruction or obstruction to these species' places of shelter. It can be argued, however, that if the animals might be occupying their places of shelter (ie. their normal habitats), then damage or disturbance to these would amount to intent to kill the animals. Both English Nature and the Metropolitan Police adopt this approach.



London's only fully European protected amphibian is the **Great crested newt**. This is protected from deliberate/intentional killing, injury, capture or disturbance, as well as damage, destruction or obstruction to all places of shelter, or possession and trade. For London's commoner amphibians; **Common frog**, **Common toad**, **Smooth** and **Palmate newts**, inclusion on Schedule 5 of the *Wildlife & Countryside Act* merely prohibits trade.

<sup>3</sup> see; [www.opsi.gov.uk/acts/acts1991/Ukpga\\_19910054\\_en\\_3.htm](http://www.opsi.gov.uk/acts/acts1991/Ukpga_19910054_en_3.htm)

As for mammals, Section 10(3c) or Regulation 40(3c) exempt incidental actions that are the unavoidable result of an otherwise lawful activity. The prohibitions on methods of killing or catching mammals also apply to reptiles and amphibians, although it is unlikely that these would be used on these animals.



## 5 Invertebrates

In terms of numbers of species, this group will normally be the most diverse within a given geographical area. The specialist expertise required to survey adequately for invertebrates is scarce and because of this, accurate knowledge of the distribution and status of most species is less complete than for other groups.

Section 9 of the *Wildlife & Countryside Act* protects invertebrates listed on Schedule 5, most of which are not known to occur in London. Those that are include several rare butterflies, the **Purple emperor**, **Small blue**, **Chalkhill blue** and **White-letter hairstreak**, and the **Stag beetle**. Their protection extends to the prohibition of sale or other forms of trade only. The only fully (but not European) protected invertebrate occurring in London is a recently discovered addition to our fauna, the **Tentacled lagoon-worm** which occurs in the River Thames. The **Roman snail** may shortly be added to Schedule 5 to prohibit its commercial collection for trade. If successful, a recent attempt to introduce the **Heath fritillary** to a site in Hillingdon will provide us with Greater London's only fully protected butterfly.

## 6 Fish

The improving water quality of the Thames is responsible for a growing list of fish that have returned to former spawning sites on the river, its estuary and tidal tributaries. Some of these are protected by the *Wildlife & Countryside Act* or in European legislation. The **Twaite shad** has recently been recorded, although its exact status in London waters is still unknown. This is listed on Schedule 5 of the *Wildlife & Countryside Act* for protection against damage, destruction or obstruction to its places of shelter.

## 7 Plants and fungi

Wild plants are protected by Section 13 of the *Wildlife & Countryside Act*. This prohibits the intentional uprooting of any wild plant without the permission of the landowner. Extremely rare and vulnerable species listed on Schedule 8 of the Act are further protected from being intentionally picked (which includes collecting seed), or otherwise destroyed. Neither may these species, or any derivatives from them, be sold or possessed with the object of selling. As with the other groups above, it is not an offence if it can be shown that otherwise illegal action was the incidental result of a lawful operation and could not reasonably have been avoided. Regulation 43 of the Habitats Regulations affords similar protection to European protected species of plants.

Plants listed on Schedule 8 in London include **Greater yellow-rattle** (abundant on several sites in Croydon and Sutton), together with **Early gentian**, **Creeping marshwort**, **Cut-grass** and **Pennyroyal**, most of which occur as just a few plants in a single site. The common **Bluebell** is also on the list, although it is only protected from trade. Further protected plants have occasionally appeared but do not seem to occupy a permanent place in the London flora, including **Stinking goosefoot** and **Deptford pink**. Early gentian and Creeping marshwort are European protected species. There are also two species of fungus in



London listed for full protection on Schedule 8, the **Oak polypore** and the **Hedgehog** (or **Bearded tooth**) fungus.

## 8 Species protection through site designation

It should be remembered that the statutory designation of protected areas for nature conservation also effectively protects species. In this way all flora and fauna within designated Sites of Special Scientific Interest (SSSI - which also include all National Nature Reserves and some Local Nature Reserves), enjoy protection from operations notified as potentially damaging. There is a requirement of Local Authorities to consult English Nature where a planning application affects an SSSI.

Under EU Directives, member states are required to recommend and eventually designate Special Protection Areas and Special Areas of Conservation for species listed on Annex I of the Birds Directive and Annex II of the Habitats Directive. In London, three candidate SAC have been selected to further the conservation of the **Stag beetle**, an Annex II species for which the London area is internationally important.

Wildlife can also be protected whilst occupying non-statutory wildlife sites (in London known as Sites of Importance for nature conservation) if these are protected from damage or mismanagement through the planning system (see **11** below). For information on SSSI, SPA and SAC in London contact English Nature's London office at Devon House, 12-15 Dartmouth Street, Queen Anne's Gate, London SW1H 9BL, tel: 020 7340 4870, and Greenspace Information for Greater London (tel: 020 7803 4278) for information on non-statutory wildlife sites.

## 9 Interpretation of wildlife legislation

Although interpretation of the wording of the legislation is for the courts, the slow development of case law precedents in this area still provides little guidance. Indeed, re-interpretation of the circumstances allowing for licensed derogation from the Habitats Directive has brought about significant procedural changes in the approach to European protected species (see **10** below).

The wording in both of the main legal instruments which provides a defence if an otherwise illegal action is perpetrated without 'intent', 'recklessness' or 'deliberation', or as an incidental result of a lawful operation that could not reasonably have been avoided, may be interpreted in various ways. The *Countryside and Rights of Way Act's* addition of the qualifier 'reckless' (a more familiar term in the courts) to certain offences was an attempt to clarify the intent. The possibility of doubt over the protection offered by the legislation emphasises the importance of planning authorities obtaining professional ecological opinion at an early stage whenever there is a suspicion of protected species on site (see **11** below), and taking professional legal advice when in doubt.

## 10 Licensing and enforcement

Section 16 of the *Wildlife & Countryside Act* and Regulation 44 of the Habitats Regulations permit the issue of licences to allow actions that would otherwise be prohibited. Licences are issued for specific purposes. The Department of Environment, Food and Rural Affairs (DEFRA) issues licences for the protection of public health and safety, to prevent the spread of disease and to protect livestock, crops, fisheries etc. English Nature is responsible for licensing actions for the purposes of conservation, scientific research, photography and education. DEFRA also licenses sale and trade, as well as some activities related to

conservation (particularly when European protected species are involved) that are not the clear responsibility of English Nature. Licences cannot be issued for any other purpose, for example to allow development; there is no legislative means for doing so.

At one time and depending on the circumstances, it was thought to be possible for a development requiring the disturbance of a protected species to be enabled with a licence for the purpose of conservation, issued by English Nature. However, Regulation 44 of the Habitats Regulations places important conditions extra to those of the *Wildlife & Countryside Act* on the issue of licences involving European protected species. In 2000 a successful legal challenge to the interpretation of these licensing conditions in the UK effectively quashed the ability to issue 'conservation' licences to enable development.

Licensing of prohibited actions involving European protected species that are necessitated by development has since fallen to DEFRA. For a licence to be issued, three conditions must be satisfied;

- The development's purpose must be of overriding public interest through a social, economic or environmental benefit;
- There must be no satisfactory alternative to the proposals; and
- The result must not be detrimental to the local conservation status of the species concerned.

Enforcement of legal species protection is usually carried out by the police in the first instance, and any suspected offences should be reported either to the Metropolitan Police Wildlife Crime Unit (tel. 020 7230 3641/2704), or to the local police Borough Wildlife Crime Officer (see list in Appendix 2). English Nature is often involved in prosecutions as an expert witness, as can be staff of other specialist organisations. Physical, fresh and carefully recorded evidence is all-important to achieving a successful prosecution; without it, cases are very difficult to pursue. Another problem with some offences remains the need to prove they are committed intentionally, and whether or not they could have 'reasonably' been avoided.

The *Countryside and Rights of Way Act* has significantly increased the penalties for wildlife crime. As well as a maximum fine of £5000 per offence, there now exists the threat of imprisonment for up to six months. Police officers are able to obtain search warrants to gather evidence and arrest persons under suspicion of offences involving species listed on Schedules. These changes are part of a growing Government concern to have wildlife law taken far more seriously than it had been.

## 11 Best Practice for planners

Planning guidance specifically states that the presence of protected species and their habitat can be a material planning consideration (PPG9, paragraph 47). Given that the species protection legislation protects habitat in only limited ways, and that proving an offence may be difficult, the wording in PPG9 means that development control should be used as a first line of defence in protected species conservation.

The London Plan includes an important policy, 3D.12 *Biodiversity and nature conservation*, which links to policy on strategic planning in the Mayor's Biodiversity Strategy<sup>4</sup>. Policy 3D.12 states;

*"The Mayor will and boroughs should resist development that would have a significant adverse impact on the population or conservation"*

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<sup>4</sup> *Connecting with London's nature, The Mayor's Biodiversity Strategy*. GLA, July 2002

*status of protected species or priority species<sup>5</sup> identified in the London Biodiversity Action Plan [...]. Appropriate policies for their protection and enhancement [...], should be included in UDPs.”*

This policy is employed by the Mayor of London when considering those larger planning applications referred to him for direction under the *Town and Country Planning (Mayor of London) Order, 2000*, and will be reflected in London’s Local Development Frameworks which must be in general conformity with the London Plan.

The intention here is to ensure that protected species and their habitats are safeguarded during development without the need to invoke the law. In determination of a planning application, best practice for species conservation is balanced against other planning considerations. PPG9 also advises planning authorities to consult English Nature where a protected species is to be affected.

Where European protected species and habitats are concerned, planning authorities are legally obliged to have regard to the requirements of the Habitats Directive in the exercise of their functions (Regulation 3(4)). This means the authority must ensure that its planning decisions do not prejudice the favourable conservation status of these species. This is not always easy, but in essence a planning authority must be convinced that a development would not cause a decline in any local populations of these species.

In exercising their powers, planners might refuse an application, or they might grant permission subject to planning conditions or planning obligations under which the developer would take steps to secure the conservation status of the species involved. Above all, it is imperative that the authority obtains all the information it requires in advance of making its planning decision. If not already submitted with an application, appropriate species surveys, impact assessments and proposed mitigation strategies should be required. Only with this information is the authority in a position to predict the outcome of a development in terms of its overall affect on the local status of protected species. Moreover if these are European protected species, this is essential in order for the authority to discharge its legal obligation under Regulation 3(4) of the Habitats Regulations. The difficulty in obtaining good information on the status of many species without employing the right methods at the right time means that these assessments usually require professional assistance.

Decisions may hinge on factors such as the site’s importance to the species concerned, the size of the population, its degree of isolation or rarity in the local context, or the opportunities that might exist for a successful translocation (although the latter should never be the first consideration as translocations are rarely successful). When determining an application that would affect European protected species, it is important for a planning authority to keep in mind the three conditions under which DEFRA is empowered to issue a licence to derogate from the Habitats Regulations (see **10** above). In effect, the authority’s decision must pre-empt that made by DEFRA to issue a licence; a developer with planning permission but no derogation licence is placed in a very difficult legal position. Indeed DEFRA currently states that a licence will not be considered before the relevant planning approval has been granted.

Forward planning should also address the obligations of guidance in PPG9, and of Regulation 3(4). London Borough Unitary Development Plans (and their successors the Local Development Frameworks) should include policies relating to protected species, and these must also be in general conformity with the London Plan. Model policies are provided in the

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<sup>5</sup> see; *London Biodiversity Action Plan - Species of Conservation Concern & Priority Species for Action*. GLA, April 2005

London Plan Best Practice Guidance document on biodiversity<sup>6</sup>. Sites supporting protected species may already be protected in boroughs' UDPs, following evaluation as Sites of Importance for nature conservation by the Greater London Authority. However, previously unknown populations are continually being discovered and local sources (for example Greenspace Information for Greater London and local naturalists' groups) should be consulted, both for strategic land-use planning and routine development control purposes.

Figure 1 shows the various stages involved in the development control process when protected species could be involved. Where mitigation is deemed appropriate, it must consist of an acceptable solution in biodiversity conservation terms to the site-specific problem. It may involve;

- Considerable scaling-down or repositioning of the development;
- Habitat enhancement, recreation or translocation (which includes "places of shelter", for example bat roosts);
- Actual species translocation.

Regarding the last of these however, it must be emphasised that the ability to translocate protected species should never influence the planning decision alone. Translocation is essentially a rescue operation to be undertaken only as a last resort.

## 12 References and further reading

*Wildlife and Countryside Act 1981* (HMSO)

*Conservation (Natural Habitats &c.) Regulations 1994* (HMSO)

*Countryside and Rights of Way Act 2000* (HMSO)

Department of the Environment *Planning and Policy Guidance: Nature Conservation (PPG9)* 1994 (HMSO)

Betts, C J Edit. (1998) *Checklist of Protected British Species*. (Lander & Sons)

English Nature (2002). *Bats & Great crested newts - Advice for Local Planning Authorities on protected species issues in Greater London*

English Nature (2002). *Grass snakes, Slow-worms & Common lizards - Advice for Local Planning Authorities on protected species issues in Greater London*

English Nature (2002). *Breeding birds - Advice for Local Planning Authorities on protected species issues in Greater London*

English Nature (2002). *Water voles - Advice for Local Planning Authorities on protected species issues in Greater London*

*The London Plan – Spatial Development Strategy for Greater London*. GLA, February 2004

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<sup>6</sup> see; Best Practice Guidance to the London Plan, *Development Policies for Biodiversity*. GLA, 2005

## Figure 1: Protected species in development control

### **Pre-application stage:**

**(Responsibility with Developer)**

Information on likely presence of protected species obtained from Greenspace Information for Greater London or local databases, local naturalists, English Nature, forward planning or some other source and/or targeted survey undertaken by competent ecological consultant.



If no protected species issues, a statement to this effect should accompany the planning application

If there are any protected species issues, evaluation of likely impact of development undertaken by competent ecological consultant.



Propose mitigation, and submit all in a specialist report to accompany planning application.

### **Application stage:**

**(Responsibility with Borough planning authority)**



Validity of survey, evaluation and proposed mitigation scrutinised with assistance from English Nature and Greater London Authority biodiversity advisers if necessary. Any additional information requested and received, and mitigation strategy agreed with developer.



Application determined in accordance with *PPG9* and relevant legislation.



Conditions or planning obligations attached to any grant of permission to ensure implementation of mitigation.



### **Post application stage:**

DEFRA licence acquired as necessary prior to execution of any licensable acts. **(Responsibility with Developer/DEFRA)**



Mitigation strategy and/or planning obligations implemented, or supervised, by competent ecological consultant. **(Responsibility with Developer/Borough planning authority)**

## Appendix 1: SPECIALLY\* PROTECTED SPECIES OCCURRING IN GREATER LONDON

		Wildlife & Countryside Act Schedule	Habitats Regulations Schedule	Birds /Habitats Directive Annex	Other	Status	Distribution
<b>Vascular plants</b>							
Bluebell	<i>Hyacinthoides non-scripta</i>	8 (s)					Widespread & locally common in most outer boroughs
Creeping marshwort	<i>Apium repens</i>	8	4	II, IV			Very rare; 1 site in Waltham Forest
Cut-grass	<i>Leersia oryzoides</i>	8					Very rare; 1 site in Richmond
Early gentian	<i>Gentianella anglica</i>	8	4	II, IV			Very rare; 1 site in Croydon
Greater yellow-rattle	<i>Rhinanthus angustifolius</i>	8					National stronghold in London, at sites in Croydon & Sutton
Pennyroyal	<i>Mentha pulegium</i>	8					Very rare; 1 native site in Waltham Forest
<b>Fungi</b>							
Hedgehog (Bearded) tooth	<i>Hericium erinaceum</i>	8					Rare in ancient woodlands in Redbridge & Waltham Forest
Oak polypore	<i>Piptoporus pulvinus</i>	8					Recently recorded in Richmond
<b>Mammals</b>							
Brown long-eared bat	<i>Plecotus auritus</i>	5, 6	2	IV		b	Rare but under-recorded. Probably occurs in most outer boroughs
Common pipistrelle	<i>Pipistrellus pipistrellus</i>	5, 6	2	IV		b	Widespread & occurring in most boroughs
Daubenton's bat	<i>Myotis daubentoni</i>	5, 6	2	IV		b	Widespread except central London
Leisler's bat	<i>Nyctalus leisleri</i>	5, 6	2	IV		b	Rare; irregular records from Haringey Richmond & Bexley
Nathusius' pipistrelle	<i>Pipistrellus nathusii</i>	5, 6	2	IV		b?	Rare; recently recorded in Hounslow & Richmond
Natterer's bat	<i>Myotis nattereri</i>	5, 6	2	IV		b	Rare; mostly in outer boroughs but also Haringey
Noctule bat	<i>Nyctalus noctula</i>	5, 6	2	IV		b	Most boroughs but perhaps over-recorded. Declining
Serotine bat	<i>Eptesicus serotinus</i>	5, 6	2	IV		b	Rare in several outer boroughs (Havering, Bromley, Sutton & Richmond). Declining
Soprano pipistrelle	<i>Pipistrellus pygmaeus</i>	5, 6	2	IV		b	Widespread & occurring in most boroughs
Whiskered/Brandt's bats	<i>Myotis mystacinus/brandtii</i>	5, 6	2	IV		b?	Rare; irregular records from Bexley, Bromley, Hillingdon & Richmond
Otter	<i>Lutra lutra</i>	5, 6	2	IV		n	Recent recorded in Hillingdon & Lea Valley (Enfield & Waltham Forest)
Water vole	<i>Arvicola terrestris</i>	5				b	Locally common but declining (strongholds in Bexley, Enfield, Greenwich, Havering, Hillingdon, Hounslow, Redbridge, Richmond & Waltham Forest)
Common dormouse	<i>Muscardinus avellanarius</i>	5, 6	2			b	Very rare; at sites in Bromley, Croydon & possibly Kingston
Badger	<i>Meles meles</i>	6			PBA	b	Most outer boroughs where locally common but always vulnerable

\*includes all species individually named on schedules and annexes to various instruments of wildlife law

Hedgehog	<i>Erinaceus europaeus</i>	6			WMA	b	Most boroughs, but declining & absent from large areas especially of central London
Pygmy shrew	<i>Sorex minutus</i>	6			WMA	b	Widespread in most outer boroughs
Water shrew	<i>Neomys fodiens</i>	6			WMA	b	Under-recorded & possibly locally common
Common shrew	<i>Sorex araneus</i>	6			WMA	b	Widespread except in central London
Fallow deer	<i>Dama dama</i>				DA	b	Escapes from park collections; widespread in Havering & localised in some other outer boroughs
Roe deer	<i>Capreolus capreolus</i>				DA	b	Widespread & increasing, primarily in southern outer boroughs
Reeves' muntjac	<i>Muntiacus reevesii</i>				DA	b	Introduced; widespread & increasing in northern outer boroughs
Common seal	<i>Phoca vitulina</i>		3	II	CSA	n	Very rare visitor in River Thames
Bottlenose dolphin	<i>Tursiops truncatus</i>	5, 6	2	II, IV		n	Rare in River Thames; mostly sick animals
Harbour porpoise	<i>Phocoena phocoena</i>	5, 6	2	II, IV		n	Occasional in River Thames; mostly sick animals
<b>Amphibians &amp; Reptiles</b>							
Adder	<i>Vipera berus</i>	5 (p)				b	Very rare and endangered; occurring in 4 sites only
Common frog	<i>Rana temporaria</i>	5 (s)				b	Widespread
Common lizard	<i>Lacerta vivipara</i>	5 (p)				b	Widespread but declining, mainly in outer boroughs
Common toad	<i>Bufo bufo</i>	5 (s)				b	Widespread
Grass snake	<i>Natrix natrix</i>	5 (p)				b	Locally common in many outer boroughs but declining
Great crested newt	<i>Triturus cristatus</i>	5	2	II, IV		b	Widespread but declining in most outer boroughs (strongholds in Bromley, Bexley, Havering, Waltham Forest, Redbridge, Enfield & Hillingdon)
Palmate newt	<i>Triturus helveticus</i>	5 (s)				b	Rare, but occurs in most outer boroughs
Slow-worm	<i>Anguis fragilis</i>	5 (p)				b	Widespread but declining, mainly in outer boroughs
Smooth newt	<i>Triturus vulgaris</i>	5 (s)				b	Widespread
<b>Birds</b>							
Avocet	<i>Lacerta vivipara</i>	1				b	Has bred once at 1 site in Hounslow
Barn owl	<i>Tyto alba</i>	1				b	Rare and vulnerable; breeds regularly in Havering
Bearded tit	<i>Panurus biarmicus</i>	1				b	Has bred irregularly in Havering
Black redstart	<i>Phoenicurus ochrurus</i>	1				b	Rare breeder in scattered Thames-side & industrial sites (especially inner eastern boroughs)
Black-necked grebe	<i>Podiceps nigricollis</i>	1				v	Has bred recently in Havering
Cetti's warbler	<i>Cettia cetti</i>	1				b	Small resident population at 1 site in Havering
Common crossbill	<i>Loxia recurvirostra</i>	1				b	Has bred irregularly in Havering
Common tern	<i>Sterna hirundo</i>			I		b	Increasing as a breeding species; now in most boroughs
Firecrest	<i>Regulus ignicapillus</i>	1				v	Rare & sporadic breeder; recently in Harrow, Havering, Croydon & Redbridge
Garganey	<i>Anas querquedula</i>	1				v	Has bred twice recently, in Havering & Sutton
Hobby	<i>Falco subbuteo</i>	1				v	Scarce but increasing breeder in most outer boroughs
Kingfisher	<i>Alcedo atthis</i>	1				b	Widespread on cleaner Thames reaches & tributaries

Little ringed plover	<i>Charadrius dubius</i>	1				v	Scarce breeder in Bexley, Richmond, Sutton, Redbridge, Hillingdon, Bromley, Kingston, Barking & Dagenham, Hounslow & Havering
Marsh warbler	<i>Acrocephalus palustris</i>	1				v	Increasingly regular breeder in eastern boroughs
Peregrine	<i>Falco peregrinus</i>	1				b	Increasing regular breeder at several sites
<b>Invertebrates</b>							
Chalkhill blue butterfly	<i>Lysandra coridon</i>	5 (s)				b	Rare & vulnerable in Croydon, Bromley & Sutton
Desmoulin's whorl-snail	<i>Vertigo moulinsiana</i>			II		b	Rare; occurs locally in River Frays, Hillingdon
Heath fritillary butterfly	<i>Melitaea athalia</i>	5					Recently introduced to 1 site in Hillingdon
Purple emperor butterfly	<i>Apatura iris</i>	5 (s)				b	Rare; at 1 site in Kingston
Small blue butterfly	<i>Cupido minimus</i>	5 (s)				b	Rare & vulnerable in Croydon, Bromley & Sutton
Stag beetle	<i>Lucanus cervus</i>	5 (s)		II		b	In most boroughs, locally common in southwest
Tentacled lagoon-worm	<i>Alkmaria romijni</i>	5				b	Rare; recently discovered in the River Thames
White-letter hairstreak butterfly	<i>Strymonidia w-album</i>	5 (s)				b	Widespread & increasing, now occurs in most boroughs
<b>Fish</b>							
Atlantic salmon	<i>Salmo salar</i>		3	II		n	Occasionally recorded in the River Thames
Bullhead	<i>Cottus gobio</i>			II		b	Occurs locally in Rivers Wandle & Lea (Enfield, Waltham Forest & Hackney)
River lamprey	<i>Lampetra fluviatilis</i>		3	II, V		n	Has been recorded recently in River Wandle (Wandsworth)
Sea lamprey	<i>Petromyzon marinus</i>			II		?	(status in Greater London unknown)
Twaite shad	<i>Allosa phallax</i>	5(p)	3	II, V		?	(status in Greater London unknown)

**Key:**

- ***Wildlife & Countryside Act 1981***

**Schedule 1** lists wild birds protected by special penalties & from disturbance whilst breeding

**Schedule 5** lists animals other than birds subject to full; or (p) partial levels of protection, including (s) from sale only

**Schedule 6** lists animals which may not be taken or killed by certain methods

**Schedule 8** lists plants subject to full protection; or (s) protected from collection for sale only

- ***Conservation (Natural Habitats &c.) Regulations 1994***

**Schedule 2** lists European protected animals on Habitats Directive Annex IV (see below)

**Schedule 3** lists animal species that must not be taken or killed in certain ways (on Habitats Directive Annex V)

**Schedule 4** lists European protected plants on Habitats Directive Annex IV (see below)

- ***'Birds Directive' (European Union Directive on the Conservation of Wild Birds)***

**Annex I** lists species for which member states must designate Special Protection Areas (SPA)

- ***'Habitats Directive' (European Union Directive on the Conservation of Natural Habitats and Wild Fauna and Flora)***

**Annex II** lists species for which member states must designate Special Areas of Conservation (SAC)

**Annex IV** lists animals & plants requiring full protection by member states through local legislation ("European protected species")

**Annex V** lists species whose taking in the wild & exploitation may be subject to management measures

- **PBA = Protection of Badgers Act 1992; DA = Deer Act 1991; CSA = Conservation of Seals Act 1970; WMA = Wild Mammals (Protection) Act 1996**

**b** = breeding resident; **v** = breeding visitor only; **n** = non-breeding visitor

## Appendix 2 - BOROUGH WILDLIFE CRIME OFFICERS

Borough	Officer	Telephone	Police Station	Address	Email
Barking & Dagenham	PC 386 Darren Rogers	020 8984 1212	Barking	4 Ripple Road, IG11 7NF	Darren.Rogers@met.police.uk
Barnet	PS Steve McKee	020 8200 1212	Colindale	Grahame Park Way, NW9 5TW	Steve.McKee@met.police.uk
Bexley	PC 551 John Horton	020 8301 1212	Bexleyhealth	2 Arnsberg Way, DA7 4QS	John.Horton@met.police.uk
Bromley	PC 103 John Blackman	01689 891 212	Bromley	48 Widmore Road, BR1 3BG	John.Blackman2@met.police.uk
Camden	PC 591 Julia Haggett	020 7404 1212	Hampstead	26 Rossllyn Hill, NW3 1PD	Julia.Haggett@met.police.uk
Enfield	PC 876 Emma Williams	020 8807 1212	Enfield	41 Baker Street, EN1 3EU	Emma.L.Williams@met.police.uk
Greenwich	PC 129 Darryl Oates	020 8853 1212	Eltham	20 Well Hall Road, SE9 6SF	Darryl.Oates@met.police.uk
Hackney	PC 309 Mark Bias	020 7275 4086	Stoke Newington	33 Stoke Newington High Street, N16 8DS	Mark.Bias@met.police.uk
Hammersmith & Fulham	PC 713 Chris Jackson	020 8563 1212	Hammersmith	226 Shepherds Bush Road, W6 7NX	Christopher.Jackson@met.police.uk
Haringey	PC 750 Laura Finch	020 8808 1212	Wood Green	347 High Road, Wood Green N22 4HZ	Laura.Finch@met.police.uk
Harrow	PC 332 Thomas Galvin	020 8423 1212	Harrow	PST Room, 74 Northolt Road, HA2 0DN	Thomas.Galvin@met.police.uk
Havering	PC 324 Mick Jenkinson	01708 779 125	Romford	19 Main Road, RM1 3BJ	Mick.Jenkinson@met.police.uk
Hillingdon	PC 719 John Bishop	01895 251 212	West Drayton	Station Road, UB7 7JQ	John.Bishop@met.police.uk
Hounslow	PC 520 Simon Sparkes	020 8577 1212	Chiswick	205-211 High Road, W4 2DU	Simon.Sparkes@met.police.uk
Islington	PC 460 James Thomas	020 7704 1212	Islington	2 Tolpuddle Street, N1 0YY	James.P.Thomas@met.police.uk
Kingston	PC 626 Brian Jackson	020 8541 1212	Kingston	3&5 High Street, KT1 1LB	Brian.Jackson@met.police.uk
Lambeth	PC 771 Stephen Christmas	020 7326 1212	Gipsy Hill	66 Central Hill, SE19 1DT	Stephen.Christmas@met.police.uk
Lewisham	PC 452 Gary Washington	020 8297 1212	Lewisham	43 Lewisham High Street, SE13 5JZ	Gary.Washington@met.police.uk
Merton	PC 669 Mark Holmes	020 8947 1212	Wimbledon	15 Queens Road, SW19 8NN	Mark.S.Holmes@met.police.uk
Newham	PC 221 Barry Richardson	020 8534 1212	Plaistow	444 Barking Road, E13 8HJ	Barry.Richardson@met.police.uk
Redbridge	PC 137 Anthony Leader	020 8984 1212	Barking	4 Ripple Road, IG11 7NF	AnthonyJB.Leader@met.police.uk
Richmond	PS Mark Scoones	020 8607 9199	Richmond	8 Red Lion Street, TW9 1RW	Mark.Scoones2@met.police.uk
Southwark	PC 629 Phil Scott	020 7378 1212	Southwark	323 Borough High Street, SE1 1JL	Phil.Scott@met.police.uk
Tower Hamlets	DC Marc Grange	020 8217 3837	Bethnal Green	12 Victoria Park Square, E2 9NZ	Marc.Grange@met.police.uk
Waltham Forest	PS 53 Rowan Healey	020 8556 8855	Leyton	215 Francis Road, E10 6NJ	Rowan.Healey@met.police.uk
Wandsworth	DC Mark Taylor	020 7350 1122	Wandsworth	146 Wandsworth High Street, SW18 4JJ	Mark.Taylor7@met.police.uk
Westminster (Belgravia)	PC 248 Nick Nunney	020 7730 1212	Belgravia	202-206 Buckingham Palace Road, SW1W 9SX	Nicholas.Nunney@met.police.uk
Wildlife Crime Unit	HEO Andy Fisher	020 7230 3641	Wildlife Crime Unit	New Scotland Yard, SW1H 0BG	Wildlife@met.police.uk
Wildlife Crime Unit	DC David Flint	020 7230 3474	Wildlife Crime Unit	New Scotland Yard, SW1H 0BG	Wildlife@met.police.uk
Wildlife Crime Unit	DS Ian Knox	020 7230 3474	Wildlife Crime Unit	New Scotland Yard, SW1H 0BG	Wildlife@met.police.uk