

## **4 Acre Road, Reading**

### **Preliminary Ecological Appraisal**

Prepared on behalf of Robert Darvall Directors Pension Scheme Ltd

March 2024

**4 Acre Road  
Ecology 8442  
Version 01**

|                       |                    |      |          |
|-----------------------|--------------------|------|----------|
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## 1.0 Executive Summary

- 1.1 The Client is proposing the demolition of an existing warehouse and erection of a new larger warehouse for a site at 4 Acre Road, Reading. Pro Vision Ecology were commissioned in February 2024 to provide the ecological assessment of the habitats on site to inform development designs.
- 1.2 The ecological appraisal comprised a desk study of existing ecological data in relation to the site, and an assessment of the sites habitats and suitability to support protected species within the application site.
- 1.3 The site comprises a hardstanding yard with three buildings, with a strip of bare ground in the northwest of the site along the western edge of the northwestern building. The site is surrounded by fencing on all sides.
- 1.4 The development can provide ecological enhancements in line with national and local planning policy to secure net gains on the site. Details regarding this are provided in **Section 5.0**.

## 2.0 Introduction

### Project Background

- 2.1 Pro Vision Ecology were commissioned in February 2024 to carry out a Preliminary Ecological Appraisal (PEA) of the land at 4 Acre Road, Reading, RG2 0SX. For the site location refer to **Appendix A**.
- 2.2 This report describes the current ecological baseline of the site based on the findings of the ecological assessment and provides information for further survey requirements and potential mitigation on the site.

### Brief

- 2.3 To carry out a PEA of the land within the site boundaries, to inform the Client of any further survey work required and of the ecological implications of their proposals.

### Relevant Legislation and Planning Policy

- 2.4 The key legislative provisions of relevance to this report with respect to the development proposals and their potential effects on ecological features are listed below:
- The Conservation of Habitats and Species Regulations 2017
  - The Wildlife and Countryside Act 1981 (as amended)
  - The Natural Environment and Rural Communities (NERC) Act 2006
  - The Protection of Badgers Act (1992)
- 2.5 The UK Biodiversity Action Plan (BAP) was the Governments response to the 1992 Convention on Biodiversity (The Rio Convention), with the aim of halting the loss of biodiversity in the UK. The new UK post-2010 Biodiversity Framework replaced the previous BAP and is the government's response to the new strategic plan on the United Nations Convention on Biological Diversity (CBD). Although the UK post-2010 Biodiversity Framework supersedes the UK BAP, the UK BAP lists of priority species and habitats still remain an important reference source for identifying habitats and species of principal importance within the UK. Within England, Section 41 of the NERC Act (2006) lists species and habitats of principal importance for the conservation of biodiversity.
- 2.6 The Government has set out its policies for the protection and enhancement of biodiversity through the planning system in the National Planning Policy Framework Section 15 (NPPF, 2023).
- 2.7 The site at 4 Acre Road is covered within Reading Borough Council. The Reading Borough Local Plan, adopted 2019, includes the core policy EN12 related to Biodiversity which states:

#### *EN12: BIODIVERSITY AND THE GREEN NETWORK*

- a) The identified Green Network, the key elements of which are shown on the Proposals Map, shall be maintained, protected, consolidated, extended and enhanced. Permission will not be granted for development that negatively affects the sites with identified interest or fragments the overall network. The Green Network comprises:*

- *Sites with identified biodiversity interest – Local Wildlife Sites, Local Nature Reserves, Biodiversity Opportunity Areas, protected and priority species and their habitats, Priority and Biodiversity Action Plan habitats, and the River Thames and all its tributaries (including the River Kennet & Avon Canal); and*
- *Areas with potential for biodiversity value and which stitch the Green Network together – designated Local Green Space and open green spaces, and existing and potential Green Links.*

*New development shall demonstrate how the location and type of green space, landscaping and water features provided within a scheme have been arranged such that they maintain or link into the existing Green Network and contribute to its consolidation. Such features should be designed to maximise the opportunities for enhancing this network. All new development should maximise opportunities to create new assets and links into areas where opportunities are as yet unidentified on the Proposals Map.*

- b) On all sites, development should not result in a net loss of biodiversity and geodiversity, and should provide a net gain for biodiversity wherever possible. Development should:*
- *Protect and wherever possible enhance features of biodiversity interest on and adjacent to the application site, incorporating and integrating them into development proposals wherever practicable; and*
  - *Provide new tree planting, wildlife friendly landscaping and ecological enhancements (such as wildlife ponds, bird and bat boxes) wherever practicable. In exceptional circumstances where the need for development clearly outweighs the need to protect the value of the site, and it is demonstrated that the impacts cannot be: 1) avoided; 2) mitigated or; 3) compensated for on-site; then new development will provide off-site compensation to ensure that there is “no net loss” of biodiversity. Provision of off-site compensation shall be calculated in accordance with nationally or locally recognised guidance and metrics. It should not replace existing alternative habitats and should be provided prior to development.*

## 3.0 Methodologies

### Desk Study

- 3.1 The desk study methodology is based upon guidelines set out by the Chartered Institute of Environmental and Ecological Management (CIEEM, 2017). A data-gathering exercise was undertaken to obtain any available information relating to statutory and non-statutory nature conservation sites and protected species (**Table 1**).

**Table 1:** Summary of information sources used for the Desk Study

| Organisation / Source                              | Information Sought                                                                                                                                                                                                                                                                              |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Thames Valley Environmental Records Centre (TVERC) | Records of the presence of key protected and notable species and non-statutory wildlife sites within one kilometre of the site.                                                                                                                                                                 |
| MAGIC                                              | Locations of and citations for all national statutory wildlife sites, including SSSI, within two kilometres and all international sites including SAC, SPA or Ramsar sites within five kilometres of the site.<br><br>Records of EPSM licences and class licence returns within two kilometres. |
| Ordnance Survey Maps                               | Large scale habitat information and identification of off-site habitats which may require consideration (such as ponds) within 500m.                                                                                                                                                            |

### Ecological Assessment

#### *Habitats*

- 3.2 A site visit was undertaken on the 6<sup>th</sup> March 2024 by ecologist David Casson ACIEEM in cloudy and dry weather conditions, with a slight breeze and an ambient temperature of 8°C. The survey employed techniques based on the UK Habitat Classification System.
- 3.3 The collection of botanical information focused on the dominant and/or key indicator species for each habitat, to allow allocation of habitats to hierarchy levels 3 and/or 4 and where relevant to identify any priority habitats which are present on site.
- 3.4 Any habitats identified as having potentially high botanical value will be subject to further botanical surveys, if deemed necessary.

#### *Protected species*

- 3.5 The PEA included an assessment of the potential for habitats on or immediately adjacent to the site to support legally protected or conservation-notable species. The location and nature of any signs of the presence of protected species (such as droppings, footprints, burrows, etc.) were documented and mapped accordingly. Indicative survey methods for protected species are outlined below.

### *Badgers (Meles meles)*

- 3.6 The site and where possible 30 metres outside the site boundary was assessed for its suitability to support badgers. A direct search was undertaken for evidence of badgers. Evidence includes
- Active or disused setts;
  - Diggings;
  - Latrines / dung pits;
  - Foraging ('snuffle holes');
  - Footprints; and
  - Badger hairs.

### *Bats*

- 3.7 A preliminary roost assessment was undertaken by ecologist David Casson during the PEA. During the survey any evidence of bats such as droppings, urine staining, claw marks, feeding remains or bats themselves were recorded. An assessment of the potential of the building to support roosts was then made in line with Bat Conservation Trust (BCT) guidelines (2023) shown in **Table 2** below.

**Table 2:** Assessment of the potential of the building to support roosts

| Suitability | Criteria                                                                                                                                                                                                                                                                                                                                        |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| None        | No features on site likely to be used by any roosting bats at any time of the year                                                                                                                                                                                                                                                              |
| Negligible  | No obvious features on site likely to be used by bats                                                                                                                                                                                                                                                                                           |
| Low         | A structure with one or more potential roost sites that could be used by individual bats opportunistically.                                                                                                                                                                                                                                     |
| Medium      | A structure with one or more potential roost sites due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation significance.                                                                                                                                                |
| High        | A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have the potential to support high conservation status roosts. |

- 3.8 Bats use features in the landscape to navigate and also habitats may provide key foraging areas. Foraging and commuting habitat was assessed based on BCT guidelines (Collins, 2023) shown in **Table 3** below.

**Table 3:** Assessment of foraging/commuting habitat

| Suitability | Criteria                                                                                                               |
|-------------|------------------------------------------------------------------------------------------------------------------------|
| None        | No habitat features on site likely to be used by any commuting or foraging bats at any time of the year                |
| Negligible  | No obvious habitat features on site likely to be used as flight paths or by foraging bats                              |
| Low         | Suitable but isolated habitat that could be used by small numbers of bats                                              |
| Medium      | Continuous habitat connected to the wider landscape that could be used by bats                                         |
| High        | Continuous high-quality habitat that is well connected to the wider landscape and is likely to be regularly used bats. |

*Birds*

- 3.9 Any habitat features, for example, scrub and trees, which could potentially be used by nesting birds, were surveyed and any nesting activity was noted. The habitat was also assessed regarding its potential for bird activity.

*Great Crested Newts (Triturus cristatus)*

- 3.10 Ponds within the vicinity of the site were noted and the potential of the land to act as a commuting route, shelter or foraging resource for great crested newts was assessed.

*Hazel dormouse (Muscardinus avellanarius)*

- 3.11 An assessment of the suitability of the habitat to support hazel dormouse was undertaken in accordance with The Dormouse Conservation Handbook (Bright *et al*, 2006). Any small mammal feeding signs were checked and assessed, including:
- Examination of hazel nuts; and
  - Evidence of nest building.

*Invasive species*

- 3.12 During the survey any invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were noted

### *Invertebrates*

3.13 An assessment was undertaken to assess the potential of the habitats recorded on site to support diverse communities of invertebrates, or any Biodiversity Action Plan (BAP) species. The assessment was based on the presence of a number of habitat features which may support important invertebrate communities such as:

- An abundance of deadwood;
- Presence of diverse plant communities;
- Presence of varied woodland structure and sunny woodland edge;
- Presence of ponds or watercourses; and
- Presence of free draining soil exposures.

### *Reptiles*

3.14 Habitat features that could be suitable as hibernacula, foraging or basking areas were noted. Extant refugia were lifted and examined for evidence of reptiles, including sloughs (shed skins).

## 4.0 Results

### Designated sites

#### *Statutory Designated Sites*

- 4.1 The data search returned no records of international statutory sites within five kilometres of the site boundary.
- 4.2 The data search returned no records of national statutory sites within two kilometres of the site boundary.

#### *Non-Statutory Designated Sites*

- 4.3 The data search returned records of one non-statutory designated sites within one kilometre of the site boundary. The non-statutory sites was designated as a Biodiversity Opportunity Area (BOA). The non-statutory site is:
  - **Kennet Valley East (BOA):** This site contains the River Kennet, an important chalk river. The area supports the most extensive areas of reedbed habitat in Berkshire. There are some areas of tall fen habitat near Thatcham as well as areas within gravel pits in the east and in some of the meadows. There are patches of willow dominated woodland along with remnant areas of wet grassland throughout the valley. There is an area in the valley that supports a diversity of lowland meadow and fen habitat. The extensive gravel pits in the east provide important habitat for birds, with the associated fen, scrub and woodland habitat adds greatly to the diversity of the area. This site lies 0.9 kilometres northwest of the development site.

### Ecological Assessment

#### *Introduction*

- 4.4 The results of the PEA are presented below. A habitat survey map is provided in **Appendix B**. The map illustrates the location and extent of the site surveyed, along with additional notable features.

### **Habitats**

#### *Surrounding habitat*

- 4.5 The land at 4 Acre Road is located on the southern edge of reading and is located in an urban landscape, immediately surrounded by industrial units, with residential properties recorded to the east.

#### *Hardstanding/bare ground*

- 4.6 The majority of the site is hardstanding, in the form of a concrete industrial yard (**Figure 1**) which is in constant use. There is a small strip of bare ground and gravel (**Figure 2**) along the western boundary of the site.



**Figure 1:** Hardstanding industrial yard. **Figure 2:** Gravel along western boundary

#### *Buildings*

- 4.7 There are three buildings on site, all were assessed in relation to bats. This is discussed further in the bat section of the report.

#### **Protected and/or notable species**

##### *Badgers*

- 4.8 The TVERC data search returned 15 records for badger within one kilometre of the site.
- 4.9 During the survey no badger setts were recorded on site or within 30 metres of the site boundary. The hardstanding and gravel are unsuitable habitat for badgers and as no evidence was recorded it is considered they are likely absent and no further action is required.

##### *Bats*

- 4.10 The TVERC data search returned 87 records within one kilometre of the site between 1997 and 2020 for the following bat species:

- Brown Long-eared (*Plecotus auritus*)
- Common Pipistrelle (*Pipistrellus pipistrellus*)
- Daubenton's bat (*Myotis daubentonii*)
- Leisler's bat (*Nyctalus leisleri*)
- Long-eared bat (*Plecotus sp.*)
- Myotis (*Myotis sp.*)
- Nathusius' Pipistrelle (*Pipistrellus nathusii*)
- Noctule (*Nyctalus noctule*)
- Pipistrelle species (*Pipistrellus sp.*)

- Serotine (*Eptesicus serotinus*)
- Soprano Pipistrelle (*Pipistrellus pygmaeus*)

4.11 The DEFRA run website MAGIC, was searched for a list of granted European Protected Species Licenses (EPSL's). No EPSLs were granted for bats within one kilometres of the site.

## **Buildings**

### **Building 1**

4.12 Building 1 (**Figure 3**) in the northeast corner of the site is a corrugated metal building, with two corrugated metal electric shutters and a corrugated metal overhang with floor facing lights installed. The building contains metal shelving and is used for storage. The building was in good condition, with no suitable access, egress points, internal or external roosting features recorded. The building has no potential to support bat roosts.



**Figure 3:** Building 1 in northeast of site.

### **Building 2**

4.13 Building 2 (**Figure 4 and 5**) in the northwest corner of the site is a corrugated metal building, with one corrugated metal electric shutter and a door to the west. There is a motion activated light on the apex of the building. The inside of the building contains metal shelving and ceiling strip lights. The building is used for storage. The building was in good condition, with no suitable access, egress points, internal or external roosting features recorded. The building has no potential to support bat roosts.



**Figure 4 and 5:** Building 2 external and internal

### **Building 3**

- 4.14 Building 3 in the southwest corner of the site comprises a large corrugated metal building with two corrugated metal pitched roofs, connected to a small wooden site office building. There is a large doorway used by forklifts to collect and deposit items into the building, there is also a corrugated metal overhang with lights. The building is used for storage. The building was in good condition, with no suitable access, egress points, internal or external roosting features recorded. The building has no potential to support bat roosts.



**Figure 6:** Building 3

### **Foraging and Commuting Bats**

- 4.15 No habitats features are present on site that are likely to be used by foraging and commuting bats. The site is located in an urban area immediately surrounded by other industrial units. The nearest suitable habitat is Whitley Wood recreation ground located approximately 270 metres southeast of the site. Vegetation along Acre Road to the south of the site is predominantly short sward grassland with scattered trees which may be used by bats on an occasional basis.

- 4.16 As it is considered unlikely bats will utilise the site for foraging, commuting or roosting no further action is required.

#### *Birds*

- 4.17 TVERC provided records for the following red list bird species of conservation concern that may be present on the site: greenfinch (*Chloris chloris*), herring gull (*Larus argentatus*), house martin (*Delichon urbicum*), house sparrow (*Passer domesticus*), mistle thrush (*Turdus viscivorus*), starling (*Sturnus vulgaris*), swift (*Apus apus*) and yellow wagtail (*Motacilla flava flavissima*).
- 4.18 In addition to these records Schedule 1 and/or Annex I species were returned which breed in the area; however the site is considered unsuitable for these species.
- 4.19 The buildings do not have potential to support nesting birds due to the high activity within the building and all of the support beams are comprised of metal and do not provide suitable nesting platforms. No further action is required.

#### *Great crested newts*

- 4.20 The TVERC data search returned no records of great crested newt presence within one kilometre of the site. The Defra run website, MAGIC, was searched for a list of granted EPSL's. There were also no records of granted EPSL's within one kilometre of the site and no positive class licence returns.
- 4.21 Following a review of Ordinance Survey maps one waterbody was identified within 500 metres of the site boundary (**Appendix C**). The waterbody is long water lake, within Green Park Business Park. The lake is predominantly used by anglers, contains several islands and contains fish species pike, carp, bream and other coarse fish. The lake lies 430m northwest of the proposed development site. This waterbody is not suitable for great crested newts due to the size and presence of predatory fish. It is also separated from the site by the A33 which is considered a significant barrier to movement.
- 4.22 No suitable terrestrial habitat is present on the site, and due to the lack of records returned in the area, and lack of suitable breeding habitat it is considered highly unlikely great crested newts are present on site. No further action is required.

#### *Hazel dormouse*

- 4.23 The TVERC data search returned no records for hazel dormouse within one kilometre of the site. The Defra run website, MAGIC, was searched for a list of granted EPSL's with no records returned.
- 4.24 There are no hedgerows or suitable habitat on site, and due to the lack of records in the area it is considered unlikely that hazel dormice are present on site. No further action is required.

#### *Other mammals*

- 4.25 The TVERC data search returned eleven records of west European hedgehog (*Erinaceus europaeus*) and five records of European water vole (*Arvicola amphibius*) within one kilometre of

the development site. Recommendations have been provided in **Section 5.0** to ensure hedgehogs can continue to commute across the site.

#### *Invertebrates*

- 4.26 The TVERC data search returned 69 records of invertebrates within one kilometre of the site between 1992 and 2022. Of these records 20 are for species listed under the NERC act. Eleven records for stag beetle (*Lucanus cervus*) were returned, and one record for chalk blue hill (*Polyommatus coridon*), stag beetle and chalk blue hill are protected under Schedule 5 of the Wildlife and Countryside Act 1981.
- 4.27 During the assessment no habitats suitable for invertebrates were recorded therefore it is considered unlikely rare or notable invertebrates will be present on site.

#### *Reptiles*

- 4.28 The TVERC data search returned 189 records of reptiles within one kilometre of the site. The species recorded are:
- Grass snake (*Natrix helvetica*)
  - Slow-worm (*Anguis fragilis*)
- 4.29 There is no suitable habitat for reptiles on site and due to the lack of connectivity to any suitable habitat in the area it is considered unlikely that reptiles are present on site. No further action is required.

## 5.0 Impacts and Mitigation

### Impacts and Required Mitigation for the Proposed Development

- 5.1 The development of the site at 4 Acre Road will result in no ecological impacts due to the absence of habitats and potential for protected species on the site. There is the potential to enhance the site for wildlife with further details provided below.

### Enhancement Measures for the Proposed Development

#### *Biodiversity Enhancement*

- 5.2 In accordance with the Natural Planning Policy Framework (NPPF, 2023) whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. Due to the nature of the development proposals, there is the potential for the development to include:
- Any planting of trees and shrubs for any supplementary planting scheme should incorporate native species which benefit a range of wildlife. Alternatively ornamental species can be utilised which are good for pollinators.
  - Bat and bird boxes can be included within the development.

## 6.0 References and Bibliography

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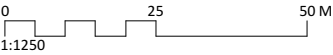
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TVERC (2023) *Ecological Data Search: 4 Acre Road*. TVERC/23/1011

UKHab Ltd (2023). UK Habitat Classification Version 2.0 (at <https://www.ukhab.org>)

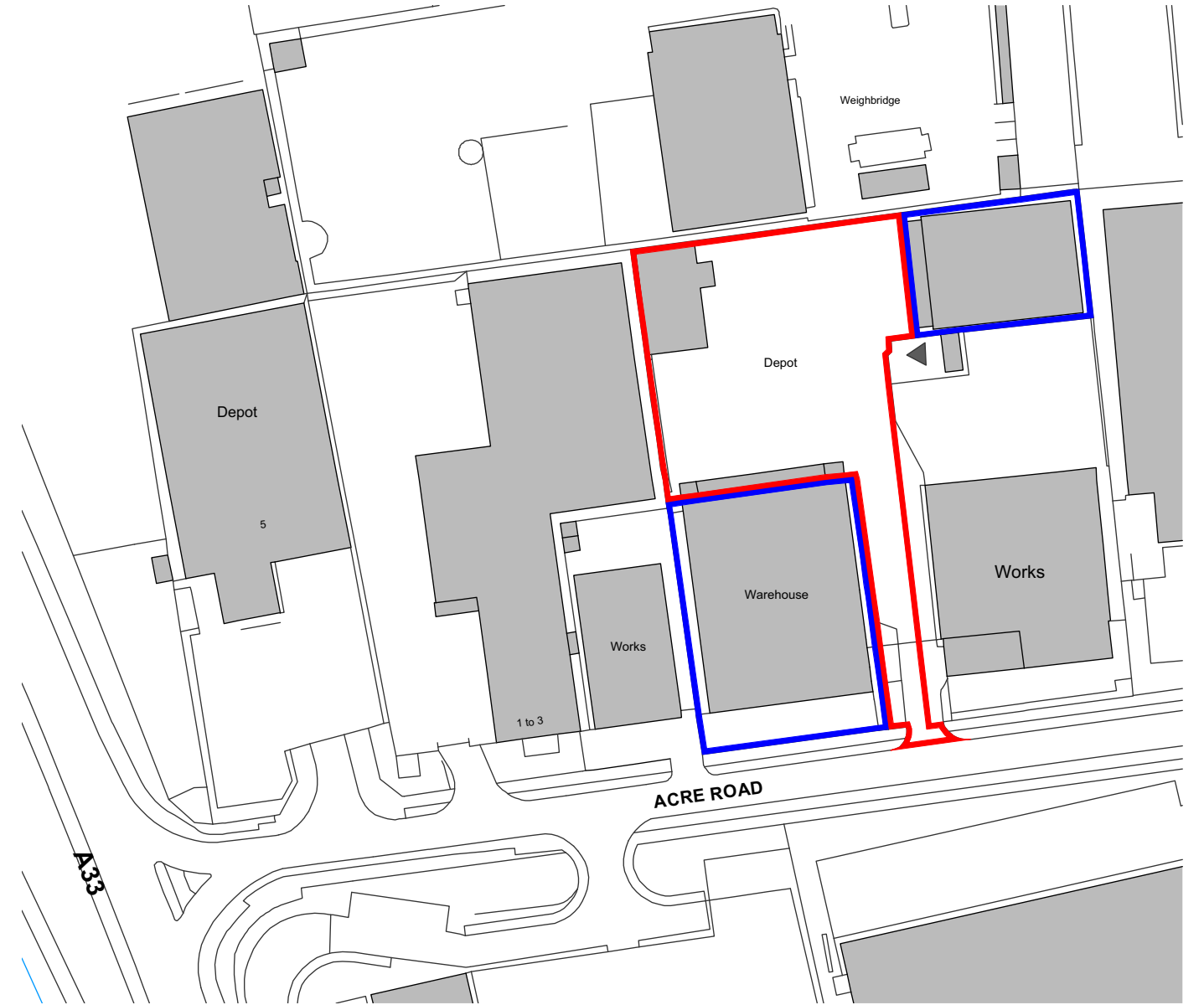
## Appendices

## **Appendix A:** Site Location

| ISSUE | DATE     | DESCRIPTION | DRAWN | CHECKED |
|-------|----------|-------------|-------|---------|
| v1    | 06.11.23 | First Issue | LL    | IW      |
|       |          |             |       |         |
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- Key:
- Application Site: 0.59 ha
  - Other land within applicant's ownership



|          |                      |  |          |
|----------|----------------------|--|----------|
| CLIENT:  | N Howe               |  |          |
| PROJECT: | 4 Acre Road, Reading |  |          |
| DRAWING: | Site Location Plan   |  | 1:1250   |
| NUMBER:  | 51498-XX-P1-01       |  | A4       |
| ISSUE:   | v1                   |  | 06.11.23 |

**Appendix B:** Habitat Map

The plan shown here is for the purpose of supporting a planning application only. Only scale from this drawing for the purposes of determining a planning application. Do not scale from this drawing for construction purposes.

The proposal presented here is subject to review by specialist consultants, and is to be read in conjunction with all relevant specialist's drawings and information where available. Any discrepancies between this and any other consultant's drawings and information should be reported to Pro Vision immediately.

Legend

-  Red Line Boundary
-  Buildings
-  Developed land; sealed surface



| ISSUE | DATE     | DESCRIPTION | DRAWN | CHECKED |
|-------|----------|-------------|-------|---------|
| v1    | 07.03.24 | Mapping     | EB    | U       |
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|----------|--------------------------------------------|----------|--|
| CLIENT:  | Robert Davall Directors Pension Scheme Ltd |          |  |
| PROJECT: | 4 Acre Road                                |          |  |
| DRAWING: | Habitat Map                                | 1:700    |  |
| NUMBER:  | 8442-XX-E0-02                              | A4       |  |
| ISSUE:   | v1                                         | 18.03.24 |  |

**Appendix C: Waterbody Location Plan**

The plan shown here is for the purpose of supporting a planning application only. Only scale from this drawing for the purposes of determining a planning application. Do not scale from this drawing for construction purposes.

The proposal presented here is subject to review by specialist consultants, and is to be read in conjunction with all relevant specialist's drawings and information where available. Any discrepancies between this and any other consultant's drawings and information should be reported to Pro Vision immediately.

Legend

- Red Line Boundary
- Waterbodies



| ISSUE | DATE     | DESCRIPTION | DRAWN | CHECKED |
|-------|----------|-------------|-------|---------|
| v1    | 05.03.24 | Mapping     | EB    | U       |
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|----------|--------------------------------------------|----------|--|
| CLIENT:  | Robert Davall Directors Pension Scheme Ltd |          |  |
| PROJECT: | 4 Acre Road                                |          |  |
| DRAWING: | Waterbodies                                | 1:7500   |  |
| NUMBER:  | 8442-XX-E0-04                              | A4       |  |
| ISSUE:   | v1                                         | 13.03.24 |  |

## **Appendix D: Relevant Legislation**

### **The Conservation of Habitats and Species 2017**

The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) transpose Habitats Directive into UK legislation. The Habitats Regulations provide for the designation and protection of European Sites and European Protected Species. European Sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), which form part of the Natura 2000 network of protected areas across Europe.

European Protected Species (EPS) are those listed under Schedule 2 of the Habitats Regulations and include dormouse, great crested newt, otter and all species of bat. The regulations prohibit the deliberate capture, killing or disturbance of any EPS; it is also an offence to damage or destroy a breeding site or resting place of any of these species. In order to carry out a lawful operation (e.g. development work which has full planning permission) that may result in an offence under the Habitats Regulations, it is necessary to obtain a licence from Natural England. EPS Licences will only be granted after Natural England has been satisfied that there are no satisfactory alternative and that there will not be any adverse impacts on the favourable conservation status of the species.

### **WILDLIFE AND COUNTRYSIDE ACT 1981**

The Wildlife and Countryside Act 1981 is the principle piece of legislative protection of wildlife in Great Britain. Various amendments have occurred since the original enactment. The Wildlife and Countryside Act contains both habitat and species protection. Certain bird, animal and plant species are afforded protection under Schedules 1, 5 and 8 of the Act. Measures for the protection of the countryside, National Parks, Sites of Special Scientific Interest (SSSIs) are also included within the Act.

### **THE NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006**

The Natural Environment and Rural Communities (NERC) Act 2006 improved wildlife protection by amending the WCA. The main function of the NERC Act was to raise the profile of biodiversity amongst public authorities. Section 40 (S40 of the Act places a 'Biodiversity Duty' on all public bodies to have regard to the conservation of biodiversity when carrying out their normal functions.

### **THE PROTECTION OF BADGERS ACT 1992**

The Protection of Badgers Act 1992 consolidates previous legislation (including the Badgers Acts 1973 and 1991 Badgers (Further Protection) Act 1991). It makes it a serious offence to:

- kill, injure or take a badger;
- attempt to kill, injure or take a badger; or
- to damage or interfere with a sett.

The 1992 Act defines a badger sett as "any structure or place which displays signs indicating current use by a badger".