

21 August 2007

AMENDMENT TO THE HABITATS REGULATIONS - ADVICE AND GUIDANCE

A number of changes are being made to the Habitats Regulations which increase the legal protection given to European Protected Species (EPS) in England. These changes will come into force on **Tuesday 21 August 2007** and affect land and marine management. The changes reinforce the European Habitats Directive in England and Wales, and are the UK response to a judgement in the European Court of Justice.

As several of the species covered by the Regulations are found in woodland, this change has implications for how woodlands are managed and forestry operations carried out.

Therefore I am writing to you to advise you of the steps the Forestry Commission has put in place to support the forestry and woodland sector in complying with this amendment and delivering good practice in the management of woodlands across **South East England**.

Background to the changes

The protected species found in England's woodlands include the dormouse, great crested newt, otter, sand lizard, smooth snake and all 17 species of bat. Under the current Habitats Regulations it is an offence to deliberately kill or cause significant disturbance to these protected species, to deliberately destroy their eggs, or to destroy or damage a breeding site or resting place used by them. The amendment now means that it is also an offence if you accidentally damage or destroy a breeding site or resting place (which was previously exempt).

This means that you will need to consider the presence of protected species and follow good practice guidance to avoid committing an offence. In some cases, management practices may need to be modified or rescheduled to a less sensitive time of year and where this is not possible or adequate, then operators may need to apply for a licence to remain within the law. Most activities will be able to continue without the need for a licence through the following of good practice guidance.

What this means for the forestry and woodland sector

The Forestry Commission is committed to increasing the sustainable management of England's woodland, not least to conserve and enhance the biodiversity protected by the Habitats Regulations. We are therefore working with partners to embed the regulations within forestry practice, to ensure that this amendment is as far as possible drawn into good practice guidance for sustainable forestry, rather than being an additional regulatory measure.

Therefore, if you are carrying out operations where protected species are present you will need to liaise with the Forestry Commission **South East England** team. Licences will only be required for a limited range of operations where impact on the species cannot be sufficiently mitigated through application of the Good Practice Guidance. My team will be able to provide support in relation to the changes and the guidance provided, and will process applications where licences are required. The licences themselves will be issued by Natural England's National Licensing Unit.

A series of tools have been developed to help support and advise the forestry and woodland sector on how to manage woodland where there are protected species present. These can be found at www.forestry.gov.uk/england-protectedspecies, along with background information on the Regulations, and include:

Guidance documents

- **General guidance** which sets out the changes to the Regulations. This includes a decision-making tree which illustrates what you should consider when deciding whether they need to apply for a licence.
- **Specific guidance** by species sets out how to find out if EPS are present in your wood and how to operate if they are. This includes good practice guidance on bats, dormouse, smooth snake and sand lizard, great crested newt and otter.
- **Licence information** which sets out application procedures and includes the licence application form.

This suite of guidance has been produced in liaison with Defra and Natural England, representatives of the forestry sector and other expert conservation bodies and individuals.

In addition to this guidance, practical advice will also be available through the following means:

- The Forestry Commission will be organising a series of workshops and seminars to advise on the legislation and how to ensure management and operations are compliant in areas where protected species are present. Dates of the seminars and contacts for booking places will be available on the website pages over the next few weeks.
- Advice on protected species management can be obtained by contacting the general enquiries e-mail at: protectedspecies@forestry.gsi.gov.uk or by contacting the South East Regional team on **01420 23337** or email us at southeast.fce@forestry.gsi.gov.uk

Yours sincerely



Alan Betts
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