

APPENDIX 1: ABBREVIATIONS

ADAS	Agricultural Development and Advisory Service
BAP	Biodiversity Action Plan
BBNP	Brecon Beacons National Park
BC	Butterfly Conservation
BDS	British Dragonfly Society
BGCBC	Blaenau Gwent County Borough Council
BSBI	Botanical Society of the British Isles
BTCV	British Trust for Conservation Volunteers
BTO	British Trust for Ornithology
BW	British Waterways
CADW	CADW Welsh Historic Monuments
CBP	Caerphilly Biodiversity Partnership
CCB	Caerphilly county borough
CCBC	Caerphilly county borough council
CCC	Cardiff County Council
CCW	Countryside Council for Wales
CROWA	Countryside and Rights of Way Act 2000
CMCS	Caerphilly Mountain Countryside Service
DC/WW	Dwr Cymru/Welsh Water
DETR	Department of the Environment, Transport and the Regions (now DEFRA)
DEFRA	Department of the Environment, Farming and Rural Affairs
EA	Environment Agency (Cymru/Wales)
EC	European Community
EN	English Nature
FC	Forestry Commission
FE	Forest Enterprise
FEI	Forest Education Initiative
FUW	Farmers Union of Wales
GBC	Glamorgan Bird Club
GBG	Gwent Bat Group
GBgG	Gwent Badger Group
GGBAG	Greater Gwent Biodiversity Action Group
GLBG	Glamorgan Bat Group
GLBAG	Glamorgan Biodiversity Advisory Group (or GlamBAG)
GLBgG	Glamorgan Badger Group
GLWT	Glamorgan Wildlife Trust
GMRG	Glamorgan Moth Recording Group
GOS	Gwent Ornithological Society
GWT	Gwent Wildlife Trust
Gwk	Groundwork Caerphilly
HAP	Habitat Action Plan
HS	Habitat Statement
IUCN	International Union for the Conservation of Nature and Natural Resources (World Conservation Union)
JNCC	Joint Nature Conservation Committee
KWT	Keep Wales Tidy Campaign
LA21	Local Agenda 21

LANDMAP	Landscape Assessment and Decision Making Process
LBAP	Local Biodiversity Action Plan
LEAP	Local Environment Agency Plan
LNR	Local Nature Reserve
LRC	Local Records Centre
MBMG	Monmouthshire Butterfly and Moth Group
MCC	Monmouthshire County Council
NAW	National Assembly for Wales
NAWAD	National Assembly for Wales Agriculture Department
NBN	National Biodiversity Network
NFU	National Farmers Union
NMWC	National Museum of Wales, Cardiff
NT	National Trust
NVC	National Vegetation Classification
RCT	Ruperra Conservation Trust
RDB	Red Data Book
RIGS	Regionally Important Geological Sites
RSPB	Royal Society for the Protection of Birds
RSPCA	Royal Society for the Protection of Animals
SAC	Special Area of Conservation (cSAC candidate Special Area of Conservation)
SAP	Species Action Plan
SCW	Sports Council for Wales
SINC	Site of Importance for Nature Conservation
SLA	Special Landscape Area
SNH	Scottish Natural Heritage
SSSI	Site of Special Scientific Interest
SWPW	South Wales Peregrine Watch
TCBC	Torfaen County Borough Council
TPO	Tree Preservation Order
UA	Unitary Authority
UDP	Unitary Development Plan
UKBAP	United Kingdom Biodiversity Action Plan
UKBG	United Kingdom Biodiversity Group
UKLIAG	United Kingdom Local Issues Advisory Group
VWT	Vincent Wildlife Trust
WCA	Wildlife and Countryside Act 1981
WDA	Welsh Development Agency
WT	Woodland Trust
WOWLS	Welsh Owl and Wildlife Sanctuary

APPENDIX 2: SPECIES ACTION PLAN REFERENCES

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 Reed Bunting p. 65 - 67
 Spotted Flycatcher p. 89 - 91
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 Pipistrelle p. 89
 Greater Horseshoe Bat p. 90
 Skylark p. 97
 Grey Partridge p. 105
 Song Thrush p. 107
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 High Brown Fritillary p. 122
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FURTHER READING

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APPENDIX 3: WILDLIFE LEGISLATION AND STATUS CATEGORIES

Below is a description of the legislation that protects some of the species and habitats included in this LBAP and some of the related terms used. In order to highlight the current legal status of species the relevant legislation is included in SAPs.

Reference

Freshfields' Environment Group (Ed.) (2000) *Tolley's Environmental Law Issue 9*. Tolley, Croydon, Surrey.

1. INTERNATIONAL LEGISLATION

1.1 World Conservation Strategy 1980

This was produced by the International Union for the Conservation of Nature (IUCN), United Nations Environment Programme, and the World Wide Fund for Nature. It states that conservation is essential for future economic and social development, and should not be dealt with as a separate issue.

Convention

An international agreement through which nations agree to work together co-operatively to implement certain defined policies or take other action.

Countries enter into international conventions voluntarily, but once a country has signed a convention it agrees to be bound by its specified terms and conditions. A number of international conventions to which the UK is a party have had an impact on the development of UK wildlife law.

1.2 Convention on International Trade in Endangered Species of Wild Fauna and Flora 1975 (CITES)

This prohibits or regulates international trade in species that are threatened with extinction or likely to become so and are subject to significant trade, whether they are alive or dead. Its main aims are for a ban on commercial trade in species listed in Appendix 1, and for control to be exercised over trade in species listed in Appendix 2, so to prevent it being detrimental to the species. This is implemented by the **Endangered Species (Import and Export) Act 1976**, which makes it an offence to import or export anything listed in Schedule 1 (animals and birds), or Schedule 2 (plants) [Section 1], except where appropriate licences have been obtained. It is also an offence to sell, advertise for sale or have in one's possession for the purpose of sale, anything imported contrary to Section 1, or anything listed in Schedules 4 and 5 [Section 4].

1.3 Convention on Biological Diversity 1992

This convention was signed by the UK Prime Minister and 150 other Heads of State or Governments in Rio de Janeiro, June 1992; known as the Earth Summit (United Nations Conference on Environment and Development). Under Article 6A of the convention signatories must develop national strategies, plans or programmes for the conservation and sustainable use of biodiversity. The Biodiversity Action Plan process is the UK Government's strategy.

1.4 Ramsar Convention on the Conservation of Wetlands of International Importance 1975

This promotes the conservation and wise use of wetlands, particularly those supporting internationally significant numbers of water birds. It imposes a general duty on all contracting

parties to promote the conservation of wetlands and waterfowl, particularly by establishing nature reserves.

2. EUROPEAN LEGISLATION

2.1 Bonn Convention on the Conservation of Migratory Species of Wild Animals 1979

This requires the protection of certain endangered migratory species and encourages separate international agreements covering particular species. An agreement covering the Conservation of Bats in Europe came into force in January 1994, and deals with the need to protect bats and their feeding and roosting areas.

- Appendix I obligations on range states of migratory species to prohibit the taking of listed animals and to take protective measures to conserve species
- Appendix II range states are encouraged to conclude international agreements to benefit listed species

2.2 Berne Convention on the Conservation of European Wildlife and Natural Habitats 1982

This requires contracting parties to ensure the conservation of the habitats of wild flora and fauna, especially those rare species listed within its appendices. It also requires special attention to be given to the protection of areas of importance for migratory species.

- Appendix I special protection for listed plant species, including prohibition of deliberate picking, collecting, cutting, uprooting, and as appropriate, possessing and sale.
- Appendix II special protection for listed animal species and their habitats, including all forms of deliberate capture, keeping and killing; deliberate damage to or destruction of breeding or resting sites; deliberate disturbance, etc.
- Appendix III exploitation of listed animal species to be subject to regulation, including closed seasons and/or other procedures regulating the exploitation; temporary or local prohibition of exploitation as appropriate in order to restore satisfactory population levels; and the regulation of sale, keeping for sale, transporting for sale or offering for sale, live or dead wild animals.

<p>European Directive</p> <p>EC legal instrument, binding all Member States, but leaving the methods of implementation to national Governments, and therefore, must be incorporated into national legislation.</p>

The provisions of the Conventions above underlie the European Directives (below) and therefore the UK's wildlife legislation.

2.3 EC Directive on the Conservation of Wild Birds 1979 ('Birds Directive' 79/409/EEC)

This Directive aims to protect bird species within the European Union through the conservation of populations of threatened wild birds, their nests, eggs and the habitats they use. It imposes a specific duty to take special measures to maintain a sufficient diversity of habitat for all European bird species (Article 3) and a more specific duty to those habitats of listed rare or vulnerable, and all migratory, species. These measures include the designation of Special Protection Areas (SPAs) (Article 4). As a result it had a role in shaping the Wildlife and Countryside Act 1981, Part I.

- Annex I birds which are the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution. As appropriate, Special Landscape Areas to be established to assist conservation measures.
- Annex II/1 birds which may be potentially hunted under national legislation within the geographical land and sea area to which the Directive applies. (NB. some species are protected by the national legislation of some Member States although hunting would be potentially legal under the Directive)
- Annex II/2 birds which may be potentially hunted under national legislation only within certain specified Member States (NB. some species are protected under national legislation of some Member States, although hunting would potentially be legal under the Directive).
- Annex III/1 birds (or parts/derivatives of) which may be sold, kept for sale or transported for sale provided they have been legally killed, captured or otherwise legally acquired.
- Annex III/2 birds (or parts/derivatives of) which may be sold, kept for sale or transported for sale provided they have been legally killed, captured or otherwise legally acquired, provided authorisation has been granted by the relevant Member State.
- Annex III/3 birds which, in 1979, the EC were charged with carrying out studies to assess the biological status of and the effects of marketing on such status (NB. no longer operative as these studies have been undertaken).

2.4 EC Directive on the Assessment of the Effects of Certain Public and Private Projects on the Environment 1985 ("*EIA Directive*")

This requires Environmental Impact Assessments (EIA) to be carried out on certain types of development that might have significant adverse environmental impacts, including an assessment of the nature conservation implications of such projects. New Regulations came into force in the UK on 14th March 1999 [Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, SI No. 293].

2.5 EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora 1992 ('*Habitats and Species Directive*' 92/43/EEC)

This aims to contribute towards ensuring biodiversity within the EU's overall goal of sustainable development. It promotes the conservation of certain key habitats and species by requiring Member States to take measures to maintain or restore natural habitats and populations of wild species at a favourable conservation status. To this end, sites of European importance for listed habitats and species are to be designated as Special Areas of Conservation (SACs), which, together with SPAs, will form a European network of sites known as "Natura 2000". Article 7 modifies the Birds Directive to ensure their compatibility.

- Annexes IIa and IIb designation of protected areas for listed plants and animal species
- Annexes IVa and IVb special protection for animal and plant species listed
- Annexes Va and Vb exploitation of listed animal and plant species is subject to management where necessary

3. NATIONAL LEGISLATION

3.1 Protection of Animals Act 1911

Protects captive animals from various forms of abuse, and protects wild animals temporarily held in captivity. The RSPCA often uses the Act to prosecute people guilty of cruelty.

3.2 Salmon and Freshwater Fisheries Act 1975

3.3 Wildlife and Countryside Act 1981⁺

The WCA provides the most recent and comprehensive legislation covering a broad range of wildlife conservation matters to implement EC directives and conventions; SSSI management agreements; protection for notable and listed species of flora and fauna. This Act amended and strengthened earlier legislation (Protection of Birds Acts of 1954, 1964 and 1967; and Conservation of Wild Creatures and Wild Plants Act 1975), and is brought up-to-date regularly to ensure the most endangered animals are on the schedule.

Part I of the Act deals separately with birds, animals and plants. In many cases the precise extent of the protection afforded depends on whether a bird, animal or plant is listed on a Schedule. It also includes general enforcement provisions under its various Sections.

Protection of Birds (Part I, Sections 1 - 8)

Basic offences against birds are set out under Section 1:

- intentionally killing, injuring or taking any wild bird;
- intentionally taking, damaging or destroying the nest of a wild bird whilst it is in use or being built;
- intentionally taking or destroying a wild bird's egg;
- possession of part or whole of a wild bird, live or dead, or of a wild bird's egg, though there is a defence if it is shown that the bird or egg has not been killed or taken in contravention of the law; and
- intentionally disturbing a bird listed in Schedule 1 whilst it is building a nest, or is in, on or near the nest, containing eggs or young, or intentionally disturbing the dependent young of such a bird

Protection of Other Animals (Part I, Sections 9 - 13)

Unlike the situation for birds, only the wild animals listed in Schedule 5 are protected by the Act. This includes all indigenous bats, most reptiles and amphibians, but only a small selection of mammals, fish, butterflies and other animals. It is an offence to:

- intentionally kill, injure or take any animal listed in Schedule 5
- have in your possession or control all or part of such animals, alive or dead
- sell, offer or advertise for sale, all or part of the animals, alive or dead
- intentionally damage, destroy or obstruct the access to any structure or place used for shelter or protection by an animal listed Schedule 5
- disturb a schedule 5 animal whilst it is occupying such a structure

Protection of Plants (Part I, Section 13)

It is an offence to intentionally pick, uproot or destroy the wild plants included in Schedule 8 and for unauthorised people to intentionally uproot any wild plant (not included on

⁺ The Countryside and Rights of Way (CROW) Act 2000 makes amendments to this (see 3.10).

Schedule 8). Therefore, all wild plants are protected by the WCA from intentional picking, uprooting or destruction.

Schedules

- 1 lists birds which are protected by special penalties
- 2 lists birds which are protected during the close season (1 Feb to 31 August) but which may be killed or taken outside this period
- 3 lists birds which may be sold alive at all times if ringed and bred in captivity
- 4 lists birds which must be registered and ringed if kept in captivity
- 5 lists animals (other than birds) which are protected from disturbance, injury, intentional destruction, taking, sale, and possession or controlling (live or dead)
- 6 lists animals (other than birds) which may not be killed or taken by certain methods
- 8 lists plants which are protected from intentional picking, uprooting or destruction; selling, offering for sale; possessing or transporting for purpose of sale; advertising for buying or selling.
- 9 lists animal and plant species for which release into the wild is prohibited

3.4 Environmental Protection Act 1990

This established the country conservation councils; including Countryside Council for Wales, English Nature (Nature Conservancy Council for England), and the Joint Nature Conservation Committee, succeeding the Nature Conservancy Council. It also includes limited additional measures for the protection of SSSIs.

3.5 Protection of Badgers Act 1992

This consolidated all previous badger legislation by providing comprehensive protection for badgers and their setts, with a requirement that any authorised sett disturbance or destruction is only carried out under licence. It is an offence to wilfully kill, injure or take a badger, or attempting to do them; possess a dead badger; cruelly ill-treat a badger, using badger tongs, or digging for a badger; sell, offer for sale, or have possession of a live badger; mark or attach a marking device to a badger, except under licence. It is also an offence to interfere with a badger sett that displays signs of current use by damaging, destroying, obstructing access, allowing a dog to enter or disturbing a badger occupying it. This may be committed either intentionally or by being reckless as to those consequences. There are exceptions, as results of lawful operations, etc.

3.6 UK Biodiversity Action Plan (UK Government 1994)

This represents the first national action plan for the implementation of the Convention on Biological Diversity, to which the UK Government became a signatory in June 1992. The document provides a programme of activity and commitment to ensure the conservation, and where possible, the enhancement of biodiversity within the UK. Detailed action plans were published for priority species and habitats through the UK Biodiversity Steering Group in 1995, and were subsequently endorsed by the government. Further action plans are currently in production, and a 5-year review document has been published.

3.7 The Conservation (Natural Habitats &c.) Regulations 1994

These regulations implement the *Habitats and Species Directive* in Great Britain (Statutory Instrument No. 2716). They build on the existing nature conservation legislation (Wildlife and Countryside Act) for the protection of habitats and species listed in the Directive and apply its considerations in respect of development control and other regulatory legislation.

Regulations

- 39 Creates offences for the European protected species listed in Schedule 2, e.g. to deliberately capture, kill, disturb; take, destroy eggs; damage or destroy the breeding or resting site; keep, transport, sell, exchange or offer for sale/exchange, any live or dead species, or anything derived from the animal. Exceptions are set out in Regulation 40.
- 41 Prohibits certain cruel or unfair methods of killing or taking wild animals of the protected species listed, or of the additional species of mammals or fish listed in Schedule 3 to the Regulations.
- 43 It is an offence to deliberately pick, collect, cut, uproot or destroy; keep, transport, sell, exchange, or offer to sell or exchange the 9 European protected species of plant listed on Schedule 4.
- 44 - 46 These provide for licences to be granted for specified purposes by the appropriate authority, but only where satisfied that there is no alternative and that the action authorised will not be detrimental to the maintenance of the favourable conservation status of the species concerned.

Schedules

- 2 European protected species of animal (where the natural range includes GB) - including all bats and cetaceans, and such other species as the otter and great crested newt.
- 3 Animals that may not be killed or taken in certain ways
- 4 European protected species of plant (natural range includes GB)

3.8 Wild Mammals (Protection) Act 1996

Supplements offences under the Wildlife and Countryside Act 1981, providing general protection against cruelty for all mammals, excluding only those domestic or captive animals which are protected by the Protection of Animals Act 1911. Section 1 of the Wild Mammals Act makes it an offence to mutilate, kick, beat, nail, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering. There are defences concerning mercy killing, statutory authorisation and the lawful use of poisons, traps, dogs and snares.

3.9 Hedgerow Regulations 1997

These are designed to implement the provisions of the Environment Act 1995, in relation to the protection of important hedgerows. Landowners are required to submit to the local planning authority a Hedgerow Removal Notice in advance of the removal of the hedge. Strict criteria are used to assess the importance of a hedge, based on historic, wildlife and landscape interest, to determine whether or not it should be protected.

3.10 Countryside and Rights of Way Act 2000

Part III Nature Conservation and Wildlife Protection

Section 74 (Conservation of Biological Diversity) requires the National Assembly for Wales (and other Government departments in Great Britain) to conserve biodiversity in accordance with the Convention on Biological Diversity. They must publish a list(s) of species and habitats that are of principal importance, in consultation with the Countryside Council for Wales (English Nature in

England, etc), in order to take and promote practical steps to conserve these species. The lists must be kept under review, and modified and re-published accordingly.

Section 81 (Enforcement of Wildlife Legislation) - **Schedule 12** of this section makes amendments to the Wildlife and Countryside Act 1981. In relation to England and Wales, regulations under the European Communities Act 1972, for the implementation of some statutory instruments listed, may create offences punishable with imprisonment for a term not exceeding 6 months.

4. SPECIES STATUS CATEGORIES

The categories used in some SAPs to describe the current status (rarity) of species are defined below.

4.1 National Status

Nationally Rare species

Species of very limited national occurrence and distribution. They are defined as those species known to occur in 15 or fewer of the 10 x 10 km Ordnance Survey grid squares that divide Great Britain.

Nationally Scarce species

Species of limited national occurrence and distribution. They are defined as those species known to occur in 16 - 100 km Ordnance Survey grid squares that divide Great Britain.

Endemic

Taxa which are not known to occur naturally outside Britain. Species within this category may also be in any of the other RDB categories or not threatened at all.

Nationally Notable

Na (Nationally Scarce, Grade A)	Very restricted national distribution; species recorded from 16- 30 of the 10 km squares in Britain since 1980.
Nb (Nationally Scarce, Grade B)	Restricted national distribution; species recorded from 31 - 100 of the 10km squares in Britain since 1980.

Local

Localised within Britain; known from 101 - 300 of the 10 km squares in Britain since 1980. Covers both species, which are patchily distributed throughout Britain, and species that are confined to particular areas but generally distributed within these (*species can be abundant where they occur and yet have a very restricted national distribution*).

4.2 Red Data Book (RDB) species

A species listed in catalogues published by the International Union for the Conservation of Nature (IUCN), national agencies or county-level organisations, listing rare, endangered or species vulnerable to extinction globally, nationally or within counties. There are 3 categories based on the degree of threat:

RDB1 (Endangered)	species are in danger of extinction and whose survival is unlikely if the causal factors continue operating (Criteria: species which are known as only a single population within one 10km square of the National Grid)
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- RDB2 (Vulnerable) species likely to move into the Endangered category in the near future if the causal factors continue (Criteria: species which are (a) declining throughout their range, (b) in vulnerable habitats and (c) whose populations are low)
- RDB3 (Rare) species with small populations that are not presently endangered or vulnerable, but are at risk (Criteria: species which only exist in 15 or fewer 10km squares)

Red Data Book of Birds

- RDB1a breeding in internationally significant numbers (>20% of the north-west Europe population)
- RDB1b non-breeding in internationally significant numbers (>20% of the north-west Europe population)
- RDB2 rare breeder (<300 pairs)
- RDB3 declining breeder (>50% sustained decline since 1960)
- RDB4a localised breeder (>50% of the population in the ten most populated areas). Rare breeders are not included here unless they are additionally vulnerable because of confinement to vulnerable habitats.
- RDB4b localised non-breeder (>50% of the population in the ten most populated areas).
- RDB5 special category - show cause for concern or declining numbers but inadequate data to quantify the extent of the problem.
- RDB candidate (candidate species)

4.3 International Union for the Conservation of Nature (IUCN, 1994)

IUCN - Extinct

When there is no reasonable doubt that the last individual has died.

IUCN - Extinct in the Wild

When it is known to survive only in cultivation, in captivity or as a naturalised population(s) well outside the past range. Presumed extinct in the wild when exhaustive surveys in known and/or expected habitat, at appropriate times throughout its range have failed to record an individual. Surveys should be over a time frame appropriate to the species' lifecycle and life form.

IUCN - Critically Endangered

When a species is facing extremely high risk of extinction in the wild in the immediate future, as defined by any of the criteria used (A - E)

IUCN - Endangered

When it is not critically endangered, but is facing high risk of extinction in the wild in the near future, as defined by criteria (A - E).

IUCN - Vulnerable

When it is not critically endangered or endangered but it is facing a high risk of extinction in the wild in the medium-term future, as defined by criteria A - E.

IUCN - Lower Risk

When it has been evaluated but does not satisfy the criteria for any of the categories, *Critically Endangered*, *Endangered* or *Vulnerable*. Species included in this category can be separated into 3 sub-categories (below). Additionally, in Britain, *Nationally Scarce* is also a sub-category of *Lower Risk*.

IUCN - Lower risk - conservation dependent

Species which are the focus of a continuing species-specific or habitat-specific conservation programme targeted towards the species in question, the cessation of which would result in the species qualifying for one of the threatened categories above within a period of 5 years.

IUCN - Lower risk - least concern

Species which do not qualify for *Lower Risk (conservation dependent)* or *Lower risk (near threatened)* or *Nationally Scarce* (in Britain).

IUCN - Lower risk - near threatened

Species which do not qualify for *Lower Risk (conservation dependent)* but which are close to qualifying for *Vulnerable*. In Britain this category includes those which occur in 15 or fewer hectads but do not qualify as *Critically Endangered*, *Endangered* or *Vulnerable*.

IUCN - Data Deficient

Species for which there is inadequate information to make a direct, or indirect, assessment of its risk of extinction based on its distribution and/or population status. A species in this category may be well studied, and its biology well known, but appropriate data on abundance and/or distribution are lacking. *Data Deficient* is therefore not a category of threat or lower risk. Listing of taxa/species in this category indicates that more information is required and acknowledges the possibility that future research will show that a threatened category is appropriate.

IUCN - Not Evaluated

When the species status has not yet been assessed against the criteria.