

**Debate Pack**

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By Dominic Carver,  
Louise Smith  
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# E-petition debate: protect the UK's hedgehog population

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# 1

## Background

[E-petition 550379](#), 'Protect the UK's dwindling hedgehog population before it's too late', received 108,327 signatures before it closed on 1 April 2021. The full text of the petition is as follows:

Now the hedgehog has been listed as vulnerable to extinction in the UK, we are calling on the Government to move hedgehogs to schedule 5 of the Wildlife & Countryside Act 1981 to allow them greater protection.

This change will mean hedgehogs will be afforded greater protection and hopefully help their numbers recover.<sup>1</sup>

The petition was launched by the British Hedgehog Preservation Society (BHPS), a registered charity, that has also called on people to write to their MPs in support of the petition prior to the debate on 5 July 2021. A page on the BHPS's website provides [further information](#) outlining further concerns about legislative protection of hedgehogs.

The Government issued a response to the petition on 19 October 2020 which stated:

There are currently no plans to give hedgehogs further legal protection. An evidence-based review of Schedule 5 of the Act is in progress and we will consider any recommendations arising from this.

The Government is concerned about the decline in hedgehog numbers in England and the findings of the Red List for British Mammals, published earlier this year by the Mammal Society, which has classified hedgehogs as 'vulnerable'. As set out in the 25 Year Environment Plan, we are committed to taking action to recover our threatened native species. We are exploring the use of powers in the Environment Bill to strengthen our commitment to improve the status of threatened species, including by setting at least one biodiversity target in law, as well as enhancing duties for public authorities to carry out strategic assessments of the actions they can take to enhance and conserve biodiversity.

Hedgehogs are protected by the Wildlife and Countryside Act 1981 from being killed using prohibited methods such as crossbows, traps, and snares. Whilst the reasons for the decline in numbers of this native species are complex, the Government has not previously moved to protect this species under Schedule 5 as it is not clear that such protection would be of benefit to the species, in so far that:

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<sup>1</sup>

- we have no evidence that intentionally killing, taking or injuring hedgehogs is currently an issue; and
- it would not address the main threat of habitat loss.

The Joint Nature Conservation Committee (JNCC) has, however, recently commenced the seventh Quinquennial Review of Schedules 5 and 8 of the Wildlife and Countryside Act 1981. The JNCC will make evidence-based recommendations to the Secretary of State as to which species warrant additional legal protections to secure their future conservation. The Government will therefore consider any recommendations to add species to Schedule 5 of the Act once these recommendations have been submitted.

Defra commends the work, including research, undertaken by the British Hedgehog Preservation Society and the People's Trust for Endangered Species, such as their Conservation Strategy for Hedgehogs. Additionally, we have published advice on how to help hedgehogs through the creation of hedgehog havens and making gardens as welcoming as possible. This can be accessed at: [www.gov.uk/government/news/five-simple-steps-to-transform-gardens-in-to-hedgehog-havens](http://www.gov.uk/government/news/five-simple-steps-to-transform-gardens-in-to-hedgehog-havens).

Further to this, the revised National Planning Policy Framework sets out the Government's policy on planning and states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for, biodiversity, including by establishing coherent ecological networks.

## 1.1

## Legislative Context

### The Wildlife and Countryside Act

As set out in the Government's response to the petition, hedgehogs have some level of protection under [section 11](#) of the [Wildlife and Countryside Act 1981](#) which extends to England, Wales and Scotland. They are listed under [Schedule 6](#) of the Act along with other "animals which may not be killed or taken by certain methods." However, they are not listed as a protected species under [Schedule 5](#) of the Act and thus do not have the protection of a range of provisions set out in sections [9](#) and [10](#) of the Act. For example, [Section 9](#) of the Act states that:

1. Subject to the provisions of this Part, if any person intentionally kills, injures or takes any wild animal included in Schedule 5, he shall be guilty of an offence.

2. Subject to the provisions of this Part, if any person has in his possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal, he shall be guilty of an offence.<sup>2</sup>

[Section 9](#) of the Act also makes it an offence to disturb an animal listed in schedule 5, damage or destroy a structure or place an animal uses for shelter or obstruct access to a shelter. It is also illegal for animals or parts of animals listed in Schedule 5 to be bought and sold.

Nature conservation is largely a devolved matter within the UK. However, the Joint Nature and Conservation Committee (JNCC) is responsible for co-ordinating nature conservation action at a UK level.<sup>3</sup> This includes coordinating reviews of the Wildlife and Countryside Act 1981 (WCA):

A [statutory review of Schedules 5 and 8](#) (protected wild animals (excluding birds) and plants respectively) is undertaken every five years (referred to as the Quinquennial review of species).

Periodic reviews of the remaining schedules, including Schedule 9 (in relation to non-native species), are also undertaken. These reviews are undertaken by the country nature conservation bodies and co-ordinated by JNCC.<sup>4</sup>

[Quinquennial review 7](#) is currently underway with the data-gathering phase running from 8 April until 7 July 2021. An [information pack](#) published by the JNCC contains further details about the review process.

The British Hedgehog Preservation Society has raised concerns about the current review and changes to the review procedure as it believes this may remove existing protection that hedgehogs under the Wildlife and Countryside Act. Further details can be found on the BHPS website [here](#).

## Additional Legislation

The [Wild Mammals \(Protection\) Act 1996](#) which extends to England, Wales and Scotland also protects hedgehogs, by making it an offence to inflict unnecessary suffering on any wild mammal.<sup>5</sup> Hedgehogs are also listed under [Annex III](#) of the [Bern Convention](#), a Council of Europe treaty to which fifty countries, including the UK, have signed up.<sup>6</sup> The Convention aims to “conserve wild flora and fauna and their natural habitats, especially those

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<sup>2</sup> [Wildlife and Countryside Act 1981, Section 9](#)

<sup>3</sup> JNCC, [Our Work at a UK Scale](#), 6 May 2019

<sup>4</sup> JNCC, [Wildlife and Countryside Act 1981](#), 4 February 2020

<sup>5</sup> Wild Mammals (Protection) Act 1996, [Section 1](#)

<sup>6</sup> Council of Europe, [Presentation of the Bern Convention](#),

species and habitats whose conservation requires the co-operation of several States, and to promote such co-operation.”<sup>7</sup>

[Section 41](#) of the [Natural Environment and Rural Communities Act 2006](#) requires this Govt to publish a “list of the living organisms and types of habitat which in the Secretary of State's opinion are of principal importance for the purpose of conserving biodiversity.” [Information from Natural England](#) (the government's adviser for the natural environment in England), sets out the animals, including hedgehogs, that are Section 41 Species in England and describes the priority actions that are needed. In the case of hedgehogs, priority actions include, but are not limited to, the following:

- Carry out studies of habitat use and differential population densities to see which habitats are most and least suitable to sustain hedgehog populations to ensure conservation efforts are focussed in best areas. Determine the feasibility of developing a Habitat Suitability Index.
- Investigate the effect on populations of incidental take by gamekeepers (several thousand per year). If necessary, improve legal protection. Clarify and publicise legal obligations facing trappers likely to kill or injure hedgehogs in traps set for other species.<sup>8</sup>

Full details of the priority actions needed for hedgehogs are available to view in an excel spreadsheet which can be downloaded [here](#).

In 2007, hedgehogs were added to the UK Biodiversity Action Plan (UK BAP) list of priority species. This list includes those species “that were identified as being the most threatened and requiring conservation action.”<sup>9</sup> This list was succeeded by the [UK Post-2010 Biodiversity Framework, July 2012](#), as explained by the JNCC:

UK BAP priority species were those that were identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (UK BAP). The original list of UK BAP priority species was created between 1995 and 1999. In 2007, however, a revised list was produced, following a 2-year review of UK BAP processes and priorities, which included a review of the priority species and habitats lists (see the [Report of the Species and Habitats Review](#) (2007) for more information). Following the review, the list of UK BAP priority species increased from less than 600 to 1,150.

As a result of devolution, and new country-level and international drivers and requirements, much of the work previously carried out by the UK BAP

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<sup>7</sup> Council of Europe, [Convention on the Conservation of European Wildlife and Natural Habitats](#), 1979

<sup>8</sup> Natural England, [S41 Priority Species - Action Spreadsheet](#) - Updated 14 May 2014,

<sup>9</sup> JNCC, [UK BAP Priority Species](#), 17 October 2019

is now focussed at a country-level rather than a UK-level, and the UK BAP was succeeded by the '[UK Post-2010 Biodiversity Framework](#)' in July 2012. The UK list of priority species, however, remains an important reference source and has been used to help draw up statutory lists of priority species in [England](#), [Scotland](#), [Wales](#) and [Northern Ireland](#), as required under [Section 41 of the Natural Environment and Rural Communities Act 2006 \(England\)](#), [Section 7 of the Environment \(Wales\) Act 2016](#), [Section 2\(4\) of the Nature Conservation \(Scotland\) Act 2004](#), and [Section 3\(1\) of the Wildlife and Natural Environment Act \(Northern Ireland\) 2011](#).<sup>10</sup>

## 1.2 Planning guidance

The Government's National Planning Policy Framework (NPPF) provides the policies against which local plans are drawn up and applications for planning permission are determined. The [NPPF 2019](#) has a chapter on conserving and enhancing the natural environment. This opens by setting out how planning policies and decisions should contribute to and enhance the natural and local environment by, (among other things), "minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures."<sup>11</sup>

In relation to plan making, the NPPF also directs that plans should:

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.<sup>12</sup>

Priority species are defined in the NPPF as those included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.<sup>13</sup> As set out above, this list includes hedgehogs.

The NPPF is supported by Planning Practice Guidance (PPG). The PPG on the Natural Environment sets out that how net gains for biodiversity is encouraged to be sought through planning policies and decisions.<sup>14</sup> Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures. This PPG gives a specific

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<sup>10</sup> JNCC, [UK BAP Priority Species](#), 17 October 2019

<sup>11</sup> HM Government, [National Planning Policy Framework](#), February 2019, para 170

<sup>12</sup> HM Government, [National Planning Policy Framework](#), February 2019, para 174

<sup>13</sup> HM Government, [National Planning Policy Framework](#), February 2019, p70

<sup>14</sup> HM Government, [Planning practice guidance Natural Environment](#), 21 July 2019 update version

example of developers providing safe routes for hedgehogs between different areas of habitat as one example of how biodiversity net gain can be created.<sup>15</sup>

The British Hedgehog Preservation Society has produced a guide to [Hedgehogs and development](#), 2019, setting out best practice.

## Environment Bill: biodiversity net gain provision

The [Environment Bill 2021-22](#) contains provisions intended to make it mandatory for housing and development, subject to some narrow exemptions, to achieve at least a 10% net gain in value for biodiversity – a requirement that habitats for wildlife must be left in a measurably better state than before the development. A policy paper to accompany the Bill summarises this as follows:

Developers must submit a ‘biodiversity gain plan’ alongside usual planning application documents. The local authority must assess whether the 10% net gain requirement is met in order to approve the biodiversity gain plan.

If net gain is not achievable on-site, the biodiversity gain plan will need to include off-site habitat enhancements, in line with the mitigation hierarchy; the local authority must be satisfied that this is secured through a planning obligation or conservation covenant. If habitats are significantly enhanced within the development site, these improvements must be secured in the same way or through a planning condition.

The biodiversity net gain requirement builds on existing good practice in industry and local planning policy and will include simplified processes for small developments.<sup>16</sup>

## 1.3

## Declining hedgehog numbers

[The State of Britain's Hedgehogs 2018](#), a report published by the British Hedgehog Preservation Society (BHPS) and the People's Trust for Endangered Species (PTES) provides background information on hedgehogs which states that:

Western European hedgehogs (*Erinaceus europaeus*) occur throughout most of Europe. In Great Britain and Ireland, they are widely distributed but absent from some of the Scottish islands. In rural areas, hedgehogs

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<sup>15</sup> HM Government, [Planning practice guidance Natural Environment](#), 21 July 2019 update version

<sup>16</sup> HM Government, Environment Bill policy paper, [Nature and conservation covenants \(parts 6 and 7\)](#)  
Updated 21 October 2020

live along woodland edges and hedgerows in meadowland and rough pasture.

In towns, they make use of gardens and amenity grassland, as well as other green spaces. Between November and the end of March, when food is scarce, hedgehogs hibernate to conserve energy, remaining largely inactive. During the rest of the year, they are mostly nocturnal, moving over areas of 10-50ha during the summer, and 1-2km in a single night.<sup>17</sup>

The State of Britain's Hedgehogs 2018 also updates findings from a 2015 study and describes the current status of Britain's hedgehogs. The report states that hedgehog numbers are decreasing in rural areas and the animals can be entirely absent in some arable areas. However, the report also highlights problems with the way data is collected and suggests that the results are interpreted with care:

Between 2002 (the baseline year) and 2017, counts of hedgehog road casualties recorded in PTES' Mammals on Roads survey fell by between a third and a half across Great Britain (Figure 2). Estimating changes in the size of the national population is difficult. Changes in the way the survey is carried out mean that the results should be interpreted with care. Annual estimates vary a lot and more records are needed each year to get a better idea of how the rural population is changing. The trend, which evens out year-to-year differences, has been level over the last few years, but it's still possible that the population has increased over this period or continued to fall. To be more confident, more data are essential. Another survey, the BTO/JNCC/RSPB Breeding Bird Survey, also shows a decline across rural areas, in this case, in sightings of live animals.<sup>18</sup>

The report also assessed hedgehogs in urban areas and found slightly different results:

Across urban sites, a different picture is emerging. While hedgehogs remain widespread (Figure 1), fewer places record them today than did fifteen years ago. This may be changing however, and the last few years has seen an increase in the number of hedgehogs where they are still present.

Between 2004 and 2012, the proportion of sites recording hedgehogs in Living with Mammals (either from sightings or signs) fell sharply; since then, however, the decline has levelled off (solid line in Figure 3) and average weekly counts of hedgehogs (triangles in Figure 3) show an upturn.

A broadly similar pattern, changing little between 2008 and 2013 and increasing in the last few years, is shown by the proportion of sites

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<sup>17</sup> BHPS and PTES, [The State of Britain's Hedgehogs 2018](#), 7 February 2018

<sup>18</sup> BHPS and PTES, [The State of Britain's Hedgehogs 2018](#), 7 February 2018



recording hedgehogs in the BTO's Garden BirdWatch (Figure 4). These records can be difficult to interpret because participants aren't necessarily recording mammals or hedgehogs, but along with Living with Mammals, the two surveys suggest an improving situation for hedgehogs in urban areas. Hedgehogs are not disappearing from sites as rapidly as they were fifteen years ago and might even be returning. Where they are found, numbers, too, appear to be growing.<sup>19</sup>

## Reasons for population change

According to information from the RSPCA, a number of reasons are responsible for the decline of hedgehog populations in the UK:

Increasing development results in the destruction and fragmentation of suitable habitats meaning that hedgehogs may now struggle to find food and suitable nest sites needed for hibernation. The building of new roads and the increasing traffic means that road casualties are now the most common cause of hedgehog deaths. Pesticides have been connected with the hedgehog's decline as they kill their prey and may even poison the hedgehogs directly. Garden hazards such as netting and ponds cause further casualties as hedgehogs can easily become trapped in them and starve, dehydrate or drown.<sup>20</sup>

## Hedgehog conservation and campaigns

[Hedgehog Street](#) is "part of a wider campaign to help hedgehogs, run by PTES and BHPS which has a website that contains information on hedgehog conservation and other resources including an [interactive map](#) to view and log hedgehog sightings.

The RSPCA has published information on [hedgehogs in the garden](#) which is available online and contains advice on how to make gardens more hedgehog-friendly. The website also has links to documents on [living with hedgehogs](#) and [caring for autumn juvenile hedgehogs](#).

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<sup>19</sup> BHPS and PTES, [The State of Britain's Hedgehogs 2018](#), 7 February 2018

<sup>20</sup> RSPCA, [Living with hedgehogs](#)

## 2

# Parliamentary Material

## 2.1

# Parliamentary Questions

### [Hedgehogs](#)

**24 May 2021 | UIN 4076**

**Asked by: Virginia Crosbie**

To ask the Secretary of State for Housing, Communities and Local Government, what steps he is taking to protect hedgehogs by ensuring that new housing developments include hedgehog highways, a hole at the bottom of a fence that allows hedgehogs to move freely between gardens.

**Answering member: Christopher Pincher**

**Department: Ministry of Housing, Communities and Local Government**

The Government welcomes any action by individual developers who wish to provide hedgehog highways. The National Planning Policy Framework makes clear that planning policies and decisions should minimise the impacts on biodiversity and provide net gains. Moreover, our Planning Practice Guidance was updated in 2019 to highlight that relatively small features can often achieve important benefits for wildlife, including providing safe routes for hedgehogs between different areas of habitat.

### [Hedgehogs: Conservation](#)

**16 March 2021 | UIN 164645**

**Asked by: Zarah Sultana**

To ask the Secretary of State for Environment, Food and Rural Affairs, what steps he is taking to protect the UK's hedgehog population.

**Answering member: Rebecca Pow**

**Department: Defra**

The Environment Bill contains measures that will help improve the status of threatened species, including by setting at least one biodiversity target in law, as well as strengthening the biodiversity duty on public authorities to take action to conserve and enhance biodiversity.

We are also taking action, through our net gain provisions in the Bill, to support the role of new development in helping protect and create the habitat that our native species, including hedgehogs, need to thrive.

We are working with stakeholders and end users to determine the specific actions that will be paid for under our new schemes that reward environmental land management. We will set out more details on this later this year. The Agricultural Transition Plan set out examples of the types of actions that we envisage paying for under the schemes, including creating,

managing and restoring habitats such as woodland, heathland and species-rich grassland, which could all benefit species such as hedgehog.

### **Hedgehogs: Conservation**

**11 March 2021 | UIN 164682**

**Asked by: Virginia Crosbie**

To ask the Secretary of State for Environment, Food and Rural Affairs, what recent estimate he has made of hedgehog numbers in the UK; and if he will take steps to move hedgehogs to schedule 5 of the Wildlife and Countryside Act 1981 to strengthen their protections.

**Answering member: Rebecca Pow**

**Department: Defra**

The latest 'Review of the Population and Conservation Status of British Mammals' estimates the hedgehog populations in the UK is 522,000.

Wildlife policy is a devolved issue and this response is with regard to England only.

The Wildlife and Countryside Act 1981 sets out a legal duty for the Joint Nature Conservation Committee (JNCC) to undertake a review of Schedule 5 and 8 (protected species) every five years to determine whether any further species warrant inclusion, and for the Secretary of State to lay this advice before Parliament. This review process is science led and evidence based, with criteria for consideration of species agreed across the jurisdictions of the UK. The JNCC is currently reviewing schedule 5 and will make recommendations for any additions at the end of this year.

### **Roads: Hedgehogs**

**10 September 2020 | UIN 84287**

**Asked by: Steve Double**

To ask the Secretary of State for Transport, what guidance he has issued to local councils on the introduction of hedgehog crossing signs.

**Answering member: Rachel Maclean**

**Department: Department for Transport**

The Department for Transport has not issued specific guidance to local authorities on the introduction of the hedgehog sign. General guidance on animal warning signs is provided in Chapter 4 of the Traffic Signs Manual.<sup>21</sup>

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<sup>21</sup> Department for Transport, [Guidance: Traffic signs manual](#), 30 June 2006

## 3

### Press articles

[Hedgehog survey could protect threatened species](#)

BBC News

21 April 2021

[Petition gathers pace to save hedgehogs from extinction](#)

BBC News

11 March 2021

[Chris Grayling leads MPs' charge to save hedgehogs](#)

BBC News

26 January 2021

[British hedgehogs are now officially vulnerable to extinction, here's how you can help save them](#)

The Telegraph

4 August 2020

[Toughen law to save hedgehogs from extinction, pleads charity](#)

The Times

4 August 2020

[Britain's hedgehog population has fallen 66 per cent in 20 years](#)

New Scientist

12 June 2018

[Hedgehog numbers plummet by half in UK countryside since 2000](#)

The Guardian

7 February 2018

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