

**Land south of Cemetery Road,
Jump, Barnsley**

Breeding Bird Surveys

August 2026

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Issuing office

3 Brunel House | Hathersage Park | Station Approach | Hathersage | Derbyshire | S32 1DP
T: 01433 651869 | W: www.bsg-ecology.com | E: info@bsg-ecology.com

Client	Barratt & David Wilson Homes (Yorkshire West)
Project	Land South of Cemetery Road, Jump, Barnsley
Version	FINAL
Project number	P26-020 Cemetery Road, Jump, Barnsley – Breeding Bird Surveys

	Name	Position	Date
Originated	Ellie Tew	Senior Ecologist	27 July 2026
Reviewed	Dr Jim Fairclough	Technical Director	03 August 2026
Approved for issue to client	Dr Jim Fairclough	Technical Director	03 August 2026
Issued to client	Ellie Tew	Senior Ecologist	06 August 2026

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1 Introduction

Background to commission

- 1.1 BSG Ecology was commissioned by Barratt & David Wilson Homes (Yorkshire West) in January 2026 to prepare an Ecological Impact Assessment (EclA) report and complete a Biodiversity Gain Assessment to inform a full planning application for the proposed residential development of land south of Cemetery Road in Jump (the 'Site'). The Site is comprised of three fields located south of Cemetery Road, Jump, Barnsley, South Yorkshire, S74 0JH.

Site description

- 1.2 The Site is located on the eastern edge of Jump, which alongside Birdwell, Blacker Hill, Elsecar and Hemingfield, is identified as part of the Principal Town of Hoyland.
- 1.3 The Site lies within the settlement boundary of Hoyland and immediately adjoins the urban fabric of Jump to the west, whilst Hemingfield is located to the north-east.
- 1.4 The Site comprises approximately 9.7 hectares of undeveloped land in agricultural use. The Site is formed of three fields bisected by hedges and trees on its boundaries. The site immediately adjoins existing housing to the north, north-east and west.
- 1.5 The site is bounded by:
- Cemetery Road to the north with houses and Hemingfield and Jump Cemetery beyond.
 - Existing houses along Cemetery Road to the north-east.
 - A railway line to the east.
 - Protected Green Space to the south, known as Wentworth Road Green Space.
 - Existing houses to the west.

Description of project

- 1.6 The proposed development is for a residential development, together with access, public open space, landscaping, drainage infrastructure and associated works.

Purpose of this report

- 1.7 To characterise the breeding bird assemblage, six breeding bird surveys (BBS) (including an evening survey) were carried out between March and June 2026. Details of the first three surveys were provided in the Ecological Impact Assessment, issued to the client in May 2026 (BSG Ecology, 2026).
- 1.8 The details of the final three surveys are provided in this technical appendix, and where relevant repeated information, taken from the Ecological Impact Assessment, to assist the reader. Survey details are provided in Table 1. The report concludes by considering whether the assessment and assumptions of the Ecological Impact Assessment still remain accurate in light of the new additional survey data from the latter three surveys (described in this report).

Personnel

- 1.9 The breeding bird characterisation surveys were undertaken by Ornithologist, Andrew Cockroft. Andrew is an experienced ornithological surveyor who regularly undertakes breeding and wintering bird surveys based on established methodologies.
- 1.10 The report has been written by Senior Ecologist Ellie Tew. Ellie is a Senior Ecologist at BSG Ecology, full details can be found [Here](#).

- 1.11 This report was reviewed by Jim Fairclough, Technical Director at BSG Ecology. He has worked as a professional ecologist since 2003 and prepares and reviews Ecological Impact Assessments for a wide range of developments in the UK.

2 Methodology

Breeding bird characterisation survey

- 2.1 To characterise the breeding bird assemblage, six breeding bird survey (BBS) visits were carried out between March and June 2026. During each visit, the surveyor walked across the survey area scanning all habitats present (including the immediate surrounding area) using binoculars as required. Bird locations were mapped and behaviour recorded using standard British Trust for Ornithology (BTO) codes and symbols (Gilbert *et al.*, 1998). Table 1 provides details of all six breeding bird surveys undertaken in 2026.

Table 1: Bird survey details

Survey visit	Date	Survey Times	Weather conditions
BBS 1	6 th March 2026	06:45 – 10:45	Cloud 8/8, Temp 8C, Wind F2 S, light intermittent rain, excellent visibility
BBS 2	30 th March 2026	06:45 – 09:45	Cloud 4/8, Temp 6C, Wind F3 NW, light intermittent rain, excellent visibility
BBS 3	26 th April 2026	05:30 – 09:00	Cloud 7/8, Temp 5C, Wind F3 SSW, dry, excellent visibility
BBS 4	28 th April 2026	19:30 – 22:00	Cloud 6/8, Temp 11C, Wind F3 WNW, light rain
BBS 5	18 th May 2026	05:00 – 08:50	Cloud 6/8, Temp 5C, Wind F2 SW, dry
BBS 6	29 th June 2026	04:45 – 08:45	Cloud 3/8, Temp 14C, Wind F2 SW, dry

- 2.2 During the bird surveys the Site was walked at a slow pace to enable all birds detected to be identified and located. Frequent stops were made to scan suitable habitats and to listen for singing and calling birds. All areas of suitable breeding habitat within the Site boundary and immediately adjacent areas were approached.
- 2.3 During the survey, the location and activity of each bird detected (including those seen or heard) were recorded and mapped using standard two-letter British Trust for Ornithology (BTO) species codes combined with activity symbols (Gilbert *et al.*, 1998). This included any birds recorded flying over the Site and birds that were considered to be using it for foraging and other essential uses.
- 2.4 The resultant data were subsequently analysed to create maps of breeding bird activity and to estimate the numbers of breeding pairs within the Site (see Figures 1a-1f and Figure 2). The following approach was used to characterise breeding bird activity, based on BTO breeding evidence (BTO, 2025):
- If nests or young, or evidence thereof, such as eggshells, recently vacated nests, adults carrying food or faecal sacs were found the species was **confirmed as breeding**. Confirmed breeding behaviour also includes observation of adults entering or leaving a nest-site or distraction display.
 - Birds were considered to be **probable breeding** if singing or displaying in the same area on multiple occasions; if a pair was present in suitable nesting habitat, nest building or carrying nest material; if adults repeatedly alarm called; if adults were seen carrying food; or if there were territorial disputes.
 - If birds were present within the Site amongst suitable nesting habitat or recorded exhibiting territorial behaviour such as singing only once in a locality, the birds were considered to be **possibly breeding**.

- Species that were present but where no suitable nesting habitat was present, were flying over, were suspected to be a summering non-breeder or likely to still be on migration, were considered **not to be breeding**.

2.5 Estimates of territory numbers have been assigned to each breeding species recorded within the survey area. Territory analysis followed the approach described by Bibby *et al.* (2000). Notable species, in terms of their rarity or abundance, are then considered further. Estimated territory numbers for those species confirmed breeding and probably breeding, and possibly breeding are shown in Table 2. An overall map of breeding bird territories is shown in Figure 2 displaying confirmed and probable territories. These territory numbers and locations are derived from the six visits, so incorporate results provided in the Ecological Impact Assessment report (BSG Ecology, 2026).

3 Results

- 3.1 During the breeding bird surveys completed in 2026 a total of 53 species of bird were recorded within, adjacent to or flying over the Site. Of the 53 species, nine are included on the Red List of Birds of Conservation Concern in England (Stanbury, *et al.*, 2021), 16 are on the Amber List, and the remaining 28 are on the Green List.
- 3.2 Eight species, dunnoek *Prunella modularis*, greenfinch *Chloris chloris*, linnet *Carduelis cannabina*, skylark *Alauda arvensis*, song thrush *Turdus philomelos*, whitethroat *Curruca communis*, woodpigeon *Columba palumbus*, and wren *Troglodytes troglodytes* were confirmed nesting on Site. One species, stock dove *Columba oenas*, was assessed as probably breeding and one species, yellowhammer *Emberiza citrinella*, was assessed as possibly breeding.
- 3.3 No Schedule 1 species were recorded during the surveys.
- 3.4 More details of birds identified during the daytime breeding bird surveys in 2026 are provided in Table 2 and Figures 1a – 1f. The overall territory assessment is shown in Figure 2. Birds on the Green List of Birds of Conservation Concern in England are not included in the figures.

3.5 **Table 2: Conservation and breeding status of birds recorded on Site**

Vernacular Name	Latin Name	Schedule 1	NERC Act Section 41 (Species of Principal Importance)	BoCC Status	Breeding Status on Site
Blackbird	<i>Turdus merula</i>			Green	-
Blackcap	<i>Sylvia atricapilla</i>			Green	-
Black-headed gull	<i>Chroicocephalus ridibundus</i>			Amber	No
Blue tit	<i>Cyanistes caeruleus</i>			Green	-
Buzzard	<i>Buteo buteo</i>			Green	-
Canadian goose	<i>Branta canadensis</i>			Green	-
Carrion crow	<i>Corvus corone</i>			Green	-
Chaffinch	<i>Fringilla coelebs</i>			Green	-
Chiffchaff	<i>Phylloscopus collybita</i>			Green	-
Collard dove	<i>Streptopelia decaocto</i>			Green	-
Cormorant	<i>Phalacrocorax carbo</i>			Green	-
Dunnoek	<i>Prunella modularis</i>		Yes	Amber	Confirmed (3)
Feral pigeon	<i>Columba livia</i>			Green	-
Goldfinch	<i>Carduelis carduelis</i>			Green	-
Goldcrest	<i>Regulus regulus</i>			Green	-
Great spotted woodpecker	<i>Dendrocopos major</i>			Green	-
Great tit	<i>Parus major</i>			Green	-
Greenfinch	<i>Chloris chloris</i>			Red	Confirmed (2)
Greylag goose	<i>Anser anser</i>			Green	-
Heron	<i>Ardea cinerea</i>			Green	-
Herring gull	<i>Larus argentatus</i>			Red	No

Vernacular Name	Latin Name	Schedule 1	NERC Act Section 41 (Species of Principal Importance)	BoCC Status	Breeding Status on Site
House martin	<i>Delichon urbicum</i>			Red	No
House sparrow	<i>Passer domesticus</i>		Yes	Red	No
Jay	<i>Garrulus glandarius</i>			Green	
Jackdaw	<i>Coloeus monedula</i>			Green	-
Kestrel	<i>Falco tinnunculus</i>			Amber	No
Lesser black-backed gull	<i>Larus fuscus</i>			Amber	No
Linnet	<i>Carduelis cannabina</i>			Red	Confirmed (2)
Little owl	<i>Athene noctua</i>			Green	-
Long tailed tit	<i>Argithalos caudatus</i>			Green	-
Magpie	<i>Pica pica</i>			Green	-
Mallard	<i>Anas platyrhynchos</i>			Amber	No
Meadow pipit	<i>Anthus pratensis</i>			Amber	No
Pied wagtail	<i>Motacilla alba</i>			Green	-
Pheasant	<i>Phasianus colchicus</i>			Green	-
Red legged partridge	<i>Alectoris rufa</i>			Green	-
Reed bunting	<i>Emberiza schoeniclus</i>			Amber	No
Robin	<i>Erithacus rubecula</i>			Green	-
Rook	<i>Corvus frugilegus</i>			Amber	No
Sand martin	<i>Riparia riparia</i>			Green	
Skylark	<i>Alauda arvensis</i>		Yes	Red	Confirmed (1)
Song thrush	<i>Turdus philomelos</i>		Yes	Amber	Confirmed (1)
Sparrowhawk	<i>Accipiter nisus</i>			Amber	No
Starling	<i>Sturnus vulgaris</i>		Yes	Red	No
Stock dove	<i>Columba oenas</i>			Amber	Probable (1)
Swallow	<i>Hirundo rustica</i>			Green	
Swift	<i>Apus apus</i>			Red	No
Tawny owl	<i>Strix aluco</i>			Amber	No
Whitethroat	<i>Curruca communis</i>			Amber	Confirmed (2)
Willow warbler	<i>Phylloscopus trochilus</i>			Amber	No
Woodpigeon	<i>Columba palumbus</i>			Amber	Confirmed (5)
Wren	<i>Troglodytes troglodytes</i>			Amber	Confirmed (3)
Yellowhammer	<i>Emberiza citrinella</i>			Red	Possible (1)

4 Conclusions

- 4.1 Overall, the assemblage of birds recorded on Site is considered to be a relatively poor example of that associated with the farmed landscape in South Yorkshire, and not particularly diverse. The majority of species recorded are associated with boundary habitats such as hedgerows and woodland, which, except for a few small sections of hedgerow which are to be removed for Site access, are to be retained and will unlikely be significantly impacted by the proposed development.
- 4.2 It is possible that certain species will avoid nesting in the central retained hedgerows, due to their fragmentation and the close proximity of proposed housing. However, habitat creation on the eastern and southern boundary of the Site will include wildflower grassland, scrub and native tree planting which will provide additional nesting and foraging habitat for these species.
- 4.3 There is potential for one skylark territory to be lost as part of the proposed development. Skylark were recorded to be using the central field to nest and were observed with a single juvenile in the final breeding bird survey. However, the wider landscape comprises other arable land which offers further nesting opportunities for the species. The proposed landscaping plans include the creation of wildflower grassland in the east of the Site which may provide foraging habitat for ground nesting species such as skylark.
- 4.4 Following the final breeding bird surveys, the breeding bird assemblage supported by the Site is still considered to be a feature of **Site value**, as concluded in the EclA report.
- 4.5 The mitigation and enhancement measures outlined in the EclA report are still considered appropriate following the completion of the final breeding bird surveys.

5 References

Bibby, C., Burgess, N.D., Hill, D., & Mustoe, S. (2000) *Bird Census Techniques – Second Edition*. Academic Press, London, England.

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Gilbert, G., Gibbons, D.W. and Evans, J. (1998) *Bird Monitoring Methods*. Royal Society for the Protection of Birds, Sandy.

Stanbury A., Eaton M., Aebischer N., Balmer D., Brown A., Douse A., Lindley P., McCulloch N., Noble D. and Win I. (2021). *The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain*. *British Birds* **114**: 723–747. (BoCC5).

6 Figures

Figure 1a – 1f: Results of Breeding Bird Surveys

Figure 2: Overall Breeding Bird Territories



Legend

- Site boundary
- Visit 1 - probable breeding
- Visit 1 - possible breeding
- Visit 1 - non-breeding

BTO Code	Common Name
D.	Dunnock
HS	House Sparrow
SD	Stock Dove
WP	Woodpigeon



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Figure 1a: Results of breeding bird surveys – Visit 1

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Legend

-  Site boundary
-  Visit 2 - probable breeding
-  Visit 2 - possible breeding
-  Visit 2 - non-breeding
-  Flying

BTO Code	Common Name
D.	Dunnoek
HS	House Sparrow
LI	Linnet
MA	Mallard
MG	Magpie
S.	Skylark
SG	Starling
SH	Sparrowhawk
ST	Song Thrush
WP	Woodpigeon
WR	Wren

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Figure 1b: Results of breeding bird surveys – Visit 2

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Legend

Site boundary

Visit 3 - cornfirmed breeding

Visit 3 - probable breeding

Visit 3 - possible breeding

Visit 3 - non-breeding

BTO Code	Common Name
D.	Dunnock
GR	Greenfinch
LI	Linnet
MA	Mallard
S.	Skylark
ST	Song Thrush
WH	Whitethroat
WP	Woodpigeon
WR	Wren
Y.	Yellowhammer

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Figure 1c: Results of breeding bird surveys – Visit 3

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Legend

Site boundary

CH

 Visit 4 - possible breeding

CH

 Visit 4 - non-breeding

BTO Code	Common Name
D.	Dunnock
GR	Greenfinch
LI	Linnet
MA	Mallard
S.	Skylark
ST	Song Thrush
TO	Tawny Owl
WH	Whitethroat
WP	Woodpigeon
WW	Willow Warbler
Y.	Yellowhammer



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Figure 1d: Results of breeding bird surveys – Visit 4

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- Legend
- Site boundary
 - CH Visit 5 - confirmed breeding
 - CH Visit 5 - possible breeding
 - CH Visit 5 - non-breeding

BTO Code	Common Name
D.	Dunnock
GR	Greenfinch
HM	House Martin
HS	House Sparrow
LI	Linnet
MA	Mallard
S.	Skylark
SG	Starling
ST	Song Thrush
WH	Whitethroat
WP	Woodpigeon
WR	Wren
Y.	Yellowhammer

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Figure 1e: Results of breeding bird surveys –
Visit 5

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- Legend
- Site boundary
 - Visit 6 - confirmed breeding
 - Visit 6 - probable breeding
 - Visit 6 - possible breeding

BTO Code	Common Name
BZ	Buzzard
D.	Dunnock
GR	Greenfinch
HM	House Martin
HS	House Sparrow
K.	Kestrel
LI	Linnet
LO	Little Owl
MA	Mallard
S.	Skylark
SD	Stock Dove
SG	Starling
ST	Song Thrush
WH	Whitethroat
WP	Woodpigeon
WR	Wren



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Figure 1f: Results of breeding bird surveys –
Visit 6

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Legend

- Site boundary
- Survey boundary
- Red Listed - Confirmed Breeding
- Amber Listed - Confirmed Breeding
- Amber Listed - Probable Breeding

BTO Code	Common Name
D.	Dunnock
GR	Greenfinch
LI	Linnet
S.	Skylark
SD	Stock Dove
ST	Song Thrush
WH	Whitethroat
WP	Woodpigeon
WR	Wren



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Figure 2: Overall Territories 2026 Map

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Appendix 1: Summaries of Relevant Policy, Legislation and Other Instruments

This section briefly summarises the legislation, policy and related issues that are relevant to the main text of the report. The following text does not constitute legal or planning advice.

Protected species - Wildlife and Countryside Act 1981 (as amended in Scotland)

Protected animals are listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended in Scotland), (all EPS are also protected under the 1981 Act). In summary, this legislation makes it an offence to intentionally or recklessly:

- Kill, injure or take any wild animal listed on Schedule 5
- Damage, destroy or obstruct access to any structure or place which such an animal uses for shelter or protection or to disturb such an animal when it is occupying a structure or place for that purpose.

All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended in Scotland) which makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. In addition, it is an offence to disturb any wild bird listed on Schedule 1 of the act whilst it is building a nest or is in, on, or near a nest containing eggs or young, or whilst lekking; or to disturb the dependent young of any wild bird listed on Schedule 1.

Species and habitats of principal importance

Section 1 of the Nature Conservation (Scotland) Act 2004 states that 'It is the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions'. To assist with this objective Section 2(4) of the Act sets out the requirement to publish a list of flora and fauna considered to be of principal importance in Scotland.

The list required under Section 2(4) of the Act has now been published and includes a diverse range of habitats and species¹. The measures required to protect these species and habitats are set out in the document 'Scotland's Biodiversity: It's in Your Hands - A strategy for the conservation and enhancement of biodiversity in Scotland' (Scottish Executive, 2004). Biodiversity Targets are outlined in the 'Strategic Plan for Biodiversity 2011-2020' (Scottish Government, 2013). The two documents together comprise the Scottish Biodiversity Strategy.

Natural Environment and Rural Communities (NERC) Act 2006 – Habitats and species of principal importance (England)

The Natural Environment and Rural Communities (NERC) Act came into force on 01 October 2006. Section 41 (S41) of the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The list has been drawn up in consultation with Natural England as required by the Act. In accordance with the Act the Secretary of State keeps this list under review and will publish a revised list if necessary, in consultation with Natural England.

The S41 list is used to guide decision-makers such as public authorities, including local authorities, local planning authorities and statutory undertakers, the latter such as utilities companies, in implementing their duty under Section 40 of the NERC Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions, including development management and planning. This was previously commonly referred to as the 'Biodiversity Duty.'

On 01 October 2024 the Biodiversity Duty² was updated and strengthened to become a 'duty to conserve and enhance biodiversity' which requires public authorities to consider what action the authority can take to further the Government's 'general biodiversity objective'. The public authority then must determine appropriate policy actions and specific objectives that can be taken and must take the appropriate action. Actions to satisfy the general biodiversity objective may be through the revision of existing policies and 'specific objectives.' The public authority must have regard to the relevant Local Nature Recovery Strategy and relevant national species and/or protected sites strategies prepared by Natural England when complying with the general biodiversity

¹ The list is published at: <https://www.nature.scot/scottish-biodiversity-list>

² [Natural Environment and Rural Communities Act 2006](#)

objective. Consideration by a given public authority was first to take place within one year of the Environment Act 2021 coming into force and then be subject to a review after no more than 5 years although other reviews can be undertaken at any time.

Guidance for public authorities in England on implementing the Biodiversity Duty has been published by Defra³ on GOV.UK. The guidance requires a public authority to consider what they can do to conserve and enhance biodiversity and how they deliver their policies and actions to achieve their objectives. The roles of Local Nature Recovery Strategies, species and protected sites strategies are set out and public authorities are advised that the action they take at a local level will contribute to national biodiversity goals and targets. Public authorities are required to consider their enhanced biodiversity duty in development plans and decisions including planning policy, environmental impact assessment and how they manage their own land to improve biodiversity value including details in relation to 'green and blue spaces.' Guidance is also provided on how local authorities and local planning authorities must write and publish a biodiversity report as part of fulfilling their duty; these individual authority reports will be used by Defra as part of their Environmental Improvement Plan 5-yearly reviews.

In 2007, the UK Biodiversity Action Plan (BAP) Partnership published an updated list of priority UK species and habitats covering terrestrial, freshwater and marine biodiversity to focus conservation action for rarer species and habitats in the UK. The UK Post-2010 Biodiversity Framework⁴, which covers the period from 2011 to 2020, now succeeds the UK BAP. The UK priority list contained 1150 species and 65 habitats requiring special protection and has been used as a reference to draw up the lists of species and habitats of principal importance in England.

In England, there are 56 Habitats of Principal Importance and 943 Species of Principal Importance on the S41 list. These are all the habitats and species found in England that were identified as requiring action in the UK BAP and which continue to be regarded as conservation priorities in the subsequent UK Post-2010 Biodiversity Framework.

European protected species (Animals)

The Conservation of Habitats and Species Regulations 2017 (as amended) consolidates various amendments that have been made to the original (1994) Regulations which transposed the EC Habitats Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (Council Directive 92/43/EEC) into national law.

"European protected species" (EPS) of animal are those which are shown on Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended). They are subject to the provisions of Regulation 43 of those Regulations. All EPS are also protected under the Wildlife and Countryside Act 1981 (as amended). Taken together, these pieces of legislation make it an offence to:

- a. Intentionally or deliberately capture, injure or kill any wild animal included amongst these species
- b. Possess or control any live or dead specimens or any part of, or anything derived from a these species
- c. deliberately or recklessly disturb wild animals of any such species
- d. deliberately take or destroy the eggs of such an animal, or
- e. intentionally, deliberately or recklessly damage or destroy a breeding site or resting place of such an animal, or obstruct access to such a place

For the purposes of paragraph (c), disturbance of animals includes in particular any disturbance which is likely—

- a. to impair their ability—
 - i. to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
- b. to affect significantly the local distribution or abundance of the species to which they belong.

³ [Complying with the biodiversity duty - GOV.UK](https://www.gov.uk/guidance/complying-with-the-biodiversity-duty)

⁴ JNCC and Defra (on behalf of the Four Countries' Biodiversity Group). 2012. *UK Post-2010 Biodiversity Framework*. July 2012. (<http://jncc.defra.gov.uk/page-6189>)

Although the law provides strict protection to these species, it also allows this protection to be set aside (derogated) through the issuing of licences. The licences in England are currently determined by Natural England (NE) for development works and by Natural Resources Wales in Wales. In accordance with the requirements of the Regulations (2017, as amended), a licence can only be issued where the following requirements are satisfied:

- a. The proposal is necessary 'to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'
- b. 'There is no satisfactory alternative'
- c. The proposals 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.'

Definition of breeding sites and resting places

Guidance for all European Protected Species of animal, including bats and great crested newt, regarding the definition of breeding and of breeding and resting places is provided by The European Council (EC) which has prepared specific guidance in respect of the interpretation of various Articles of the EC Habitats Directive.⁵ Section II.3.4.b) provides definitions and examples of both breeding and resting places at paragraphs 57 and 59 respectively. This guidance states that 'The provision in Article 12(1)(d) [of the EC Habitats Directive] should therefore be understood as aiming to safeguard the ecological functionality of breeding sites and resting places.' Further the guidance states: 'It thus follows from Article 12(1)(d) that such breeding sites and resting places also need to be protected when they are not being used, but where there is a reasonably high probability that the species concerned will return to these sites and places. If for example a certain cave is used every year by a number of bats for hibernation (because the species has the habit of returning to the same winter roost every year), the functionality of this cave as a hibernating site should be protected in summer as well so that the bats can re-use it in winter. On the other hand, if a certain cave is used only occasionally for breeding or resting purposes, it is very likely that the site does not qualify as a breeding site or resting place.'

Birds

All nesting birds are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. In addition to this, for some rarer species (listed on Schedule 1 of the Act), it is an offence to disturb them whilst they are nest building or at or near a nest with eggs or young, or to disturb the dependent young of such a bird.

The Conservation of Habitats and Species Regulations 2017 (as amended) places duties on competent authorities (including Local Authorities and National Park Authorities) in relation to wild bird habitat. These provisions relate back to Articles 1, 2 and 3 of the EC Directive on the conservation of wild birds (2009/147/EC, 'Birds Directive'⁶) (Regulation 10 (3)) requires that the objective is the 'preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the United Kingdom, including by means of the upkeep, management and creation of such habitat, as appropriate, having regard to the requirements of Article 2 of the new Wild Birds Directive...' Regulation 10 (7) states: 'In considering which measures may be appropriate for the purpose of security or contributing to the objective in [Regulation 10 (3)] Paragraph 3, appropriate account must be taken of economic and recreational requirements'.

In relation to the duties placed on competent authorities under the 2017 Regulations, Regulation 10 (8) states: 'So far as lies within their powers, a competent authority in exercising any function [including in relation to town and country planning] in or in relation to the United Kingdom must use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds (except habitats beyond the outer limits of the area to which the new Wild Birds Directive applies).'

⁵ Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC. (February 2007), EC.

⁶ 2009/147/EC Birds Directive (30 November 2009. European Parliament and the Council of the European Union.