

## **Public Health and Safety: Issues with nesting birds**

### **Introduction**

Some bird species can nest in urban, commercial or residential areas. In most cases people and wildlife, including birds co-exist without any problems. However, sometimes the presence of nesting birds in close proximity to people can result in problems. Examples include noise, fouling, increased aggression of some birds as they try to protect their nests, eggs or young or the building of nests in places that impact on our day-to-day activities.

The breeding season for most bird species runs from around April to July or August. Therefore whilst these problems are seasonal and relatively short-lived, in some cases they can be sufficiently severe that they can constitute a threat to public health or safety.

There are number of things that can be done to minimise or prevent such problems arising as a result of breeding birds. However, it is important to note that all wild birds, their nests and eggs receive legal protection. This means that certain activities that might affect them could be illegal unless carried out under a licence.

The purpose of this document is to highlight what people can do if they are experiencing problems associated with breeding birds, including actions that may be permitted under licence.

### **What does the law say?**

All wild birds and their nests are protected by law. It is illegal to intentionally or recklessly take, kill or injure a wild bird or to take, damage, destroy or otherwise interfere with a wild bird's nest while it is in use or being built. It is also an offence to obstruct or prevent any wild bird from using its nest. More details of how wild birds are protected and what constitutes an offence can be found on the [protected species section of the SNH website](#).

It should also be noted that the nests of most bird species are not protected outside of the nesting season once the birds have stopped using them. Additionally areas that are used by birds for roosting (and not for nesting) are not protected.

The law does allow licences to be issued to allow actions that would otherwise be against the law. Licences can only be used if there is a real public health or safety issue that needs to be addressed. Additionally there must be no other satisfactory solution: in other words they can only be used as a last resort.

### **How do I apply for a licence?**

There are two main types of licence to address public health and safety issues arising from nesting birds – General Licences and Individual Licences.

General Licences cover relatively commonplace scenarios. A [General Licence for public health and safety purposes](#) can be found on our website. They do not need to be applied for. Providing that a person can fulfil the terms and conditions of this licence, and that it is used for the purpose and in the manner that it describes, they will be legally covered to carry out the actions it permits. This means that if such a person was ever challenged, they would have to be able to demonstrate how they have complied with the licence, including how the issue being addressed constituted one of public health or safety and that there was no other satisfactory alternative.

It is important to note that the General Licence only covers actions in relation to the bird species listed on that licence. Users need to therefore be sure what species of bird are causing the problem (see 'What species?' below).

Where a situation is not covered by the General Licence (for instance if a bird species not covered by the General Licence is causing the problem), then an individual licence application can be made and submitted to Scottish Natural Heritage's licensing team. Using the [application form](#), the applicant would have to describe their details including the health and safety concern being experienced, what species of bird are involved, (see 'What species?' below) and why there is no other alternative. If a licence is subsequently granted it will describe how, what and where any action can take place.

### **What is a Public Health and Safety issue?**

There are no hard and fast rules as to what constitutes a public health and safety issue and this is likely to be case specific. Examples of public health and safety issues could include where nesting gulls are dive-bombing the public or workers or where there is a risk of bird-droppings contaminating foodstuffs. However, it is important to stress that just because something presents a minor inconvenience, (e.g. bird droppings on a window or a parked car), this unlikely to constitute a public health or safety issue. Users of the General Licence need to be sure that the situation they are trying to resolve is a real public health and safety issue before acting. Applicants for individual licences will need to present this case on their application form.

### **What species of bird?**

It is important to know what species of bird is causing the problem before you take any action and particularly if you intend to use the General Licence.

If you are at all unsure as to what type of birds are causing the particular problem then there is some excellent information available on the web to help (see [Annex 1](#) for more details on the common species and identification hints and tips), or alternatively a reputable pest control company could advise you.

### **What is a satisfactory alternative?**

You can only act under a licence as a last resort. This means that you should consider if there is anything else that can be done to prevent or minimise the problem without resorting to destroying nests or eggs or any other action.

This could include waiting until the birds and their young have left at the end of the summer. At this point it is strongly recommended that you consider options as to how to prevent the problem arising again in future (for instance by preventing access to birds in future or 'bird-proofing' the building or structure).

If it is not possible to wait for the birds to leave at the end of the breeding season then there may be other options to minimising problems without the need for a licence. This might include putting up warning signs or restricting or preventing access to areas where the problem is most pronounced, cleaning areas affected by droppings regularly.

A reputable pest control company will be able to offer expert advice on alternative solutions to problems being experienced by nesting birds (see [www.bpca.org.uk](http://www.bpca.org.uk)).

### **Prevention is better than cure**

Prevention is always better than cure. If a problem has been experienced in one nesting season it makes a lot of sense to think in advance about how to minimise or avoid this occurring again in future. In some cases this might be as simple as blocking access points that birds use or installing deterrents in advance of the nesting season. In other cases expert advice (again, using a reputable pest control company) may be necessary.

'Proofing' a building or area to prevent future nesting attempts is often the only long-term solution to serious problems. However, where this is not possible it may be necessary to implement a strategy to tackle the problem. In such cases maximum effort should be made at the beginning of the season to put the birds off from nesting in problem areas and, to stop them getting to the egg laying stage. An example of how to go about this can be found in our [Gull management plan paper guidance](#).

## Annex 1 **Species identification**

Before taking action or seeking licensing advice, it is important you identify the species of bird causing the problem.

These good identification guides can help you do this by looking at plumage, leg and beak colour:

Herring gulls have pink legs:

<http://www.rspb.org.uk/wildlife/birdguide/name/h/herringgull/index.aspx>

Lesser black-backed gulls have yellow legs:

<http://www.rspb.org.uk/discoverandenjoynature/discoverandlearn/birdguide/name/l/lesserblackbackedgull/index.aspx>

Common gulls have yellow legs and no red spot on their bills:

<http://www.rspb.org.uk/wildlife/birdguide/name/c/commongull/index.aspx>

Black-headed gulls are a small gull species with a black head:

<http://www.rspb.org.uk/discoverandenjoynature/discoverandlearn/birdguide/name/b/blackheadedgull/index.aspx>

Starlings look black from a distance but close up they have green and purple glossy feathers:

<http://www.rspb.org.uk/discoverandenjoynature/discoverandlearn/birdguide/name/s/starling/index.aspx>

If you have any further queries please contact SNH Licensing Team telephone: 01463 725364, e-mail: [licensing@nature.scot](mailto:licensing@nature.scot).