

BODY:	PLANNING AND LICENSING COMMITTEE
DATE:	13 January 2004
SUBJECT:	Measures to improve health and safety for residents by reduction of bird infestation
REPORT OF:	Head of Planning
Ward(s):	All
Purpose:	To consider ways in which the planning process can assist in reducing the problems associated with birds nesting and settling on rooftops
Contact:	Ian Hayes, Development Control Manager, telephone 01323 415215 or internally on extension 5215
Recommendations:	1) That, where appropriate, planning conditions be used, including a new standard condition, to minimise the likelihood of gulls settling and nesting on rooftops; 2) that planning conditions continue to be used rigorously to ensure that new developments and conversions contain secure refuse storage facilities; 3) that advice be given to developers on ways in which the design of new buildings/extensions to existing buildings could be improved to minimise potential nesting areas; 4) that the important role of other Council services in tackling the problem be acknowledged.

1.0	<u>Background</u>	
1.1	This issue was reported to the meeting of the Planning and Licensing Committee on 4 November 2003, when it was resolved that the matter be deferred for further research to be undertaken.	
2.0	<u>Nature of the Problem</u>	
2.1	The reported problems associated with bird infestation of rooftops are caused principally by herring gulls. This species of gull commonly rests on roofs although roof <u>nesting</u> is a relatively recent phenomenon. Herring gulls can live for up to 40 years and there is significant evidence to suggest that urban gulls do not return to wild colonies. This is thought to be due the fact that, in the six weeks between hatching and fledging, chicks receive an imprint of what a gull colony is supposed to look like and will usually return to the same nesting site unless action is taken to proof the building in question.	
2.2	<p>The most commonly cited problems with herring gulls nesting on roof tops include:</p> <ul style="list-style-type: none"> · Noise caused by calling gulls and by their heavy footsteps. · Mess, caused by their droppings, fouling of washing, cars, gardens and people. · Damage to property, caused by gulls picking at roofing materials and by nests which block gutters or hold moisture against the building structure. <p>Sometimes more serious problems occur:</p> <ul style="list-style-type: none"> · Birds can dive and swoop on people and pets. This usually occurs when chicks have fallen from the nest and adult birds attempt to prevent them coming to harm by frightening away potential threats. · Blockage of gas flues, valley and parapet gutters by nesting materials. The former can have serious consequences if gas fumes are prevented from venting properly, or if flooding occurs as a result of blocked gutters. 	
2.3	The causes of the problem are exacerbated by a ready supply of food, such as discarded take-aways, open bins and rubbish left out in plastic sacks which can easily be pecked open by the gulls leaving waste strewn over the road. Together with the availability of convenient rooftop breeding sites, these factors combine to create an ideal habitat for herring gulls although it has to be recognised that gulls will fly many miles from a suitable nesting site to sources of food.	

2.4	The most common roof top nesting areas are on chimneys and flat roofs.	
3.0	<u>Consultation</u>	
3.1	Numerous coastal planning authorities were contacted but none of the many respondents have tackled this issue through the planning process. A search of the Internet revealed several local government web sites with information on the subject but in each case this was listed under environmental health.	
3.2	The Head of Environmental Health and Head of Amenities were consulted on the content of this report.	
3.3	The Head of Environmental Health is supportive of using the planning process as a means of preventing an increase in suitable nesting sites. This will compliment the work already being undertaken to control nests and advice given to building owners.	
3.4	The Head of Amenities advises that since the introduction of wheeled bins there has been a noticeable reduction in the seagull population in many areas of the Borough. Unfortunately, however, gulls are still very noticeable within the Borough particularly where fast food waste is discarded. The Head of Amenities advises that the Government is proposing a voluntary code for fast food outlets to follow, concerning litter and waste but he has strong doubts over the effectiveness of the code to resolve the issue of gulls. He would also propose a campaign perhaps, through which members of the public are requested to contact the Council's Cleansing Office or Sita's Helpline to advise of discarded food waste, which can be removed with some haste. It would not be appropriate, however, for the Council to remove litter or waste from private property, adjacent to fast food outlets, where much litter of this nature is noticeably discarded.	
4.0	<u>Methods of Controlling the Problem</u>	

4.1	One way of limiting the problem is through control of the food source by reducing the amount of open storage of rubbish. The introduction of wheeled bins is likely to assist in this area, as appears to have been the case in Aberdeen where the number of complaints has reduced dramatically since the introduction of wheeled bins in the city. Many of these complaints were associated with herring gulls scavenging black bag container refuse, whereas wheeled bins now deny the gulls access to a readily available food source. Tackling the litter problems associated with hot food take-aways would also contribute significantly to controlling the food source for herring gulls and the Department for Food Environment and Rural Affairs are currently consulting on the introduction of additional controls. Planning has little or no control over the latter but can assist with the former in respect of new development or conversions and this will be referred to in more detail later.	
4.2	<p>The second method is to apply various deterrent measures to individual buildings. These can include:</p> <ul style="list-style-type: none"> · Fitting of long spikes to nesting locations such as chimney stacks. · Fitting of short spikes, contained in a special plastic base, to nesting locations such as dormer roofs. · Fitting of wires or nets to prevent gulls landing. · Fitting spikes or some other similar deterrent to ridges to prevent gulls settling. 	
4.3	A further way in which the Council can help to address the problem is by making members of the public aware of the issue and discouraging them from feeding the birds as Environmental Health have been doing for a number of years. For example, Aberdeen City Council has a policy against feeding gulls and encourages the identification of people feeding gulls, as does this Council.	
4.4	If measures against herring gull nesting are to have any real effect it is essential that other service areas of the Council continue to be involved in the process.	
5.0	<u>How Planning Can Assist</u>	

5.1	It is important to be aware of the fact that planning has only a limited role to play and cannot fully address the current problem. It can contribute in a small way but there are no planning powers to control the current situation and it can therefore only have a minimal effect in controlling the overall problem (in respect of future development). It can, however, help to prevent the situation from worsening by exercising control over new development or other changes and the continued efforts of other Council services (such as Environmental Health and Amenities) will continue to impact on the current situation.	
5.2	With regard to control over food sources, planning can help by imposing more rigorous conditions in respect of both new development and conversions/changes of use. These conditions, which require applicants to provide secure bin storage facilities, have been the subject of previous discussions with Amenities and Environmental Health in connection with introduction of wheeled bins and they will continue to be used with some effect in the future.	
5.3	<p>Another area where planning involvement can assist is through incorporating deterrent features into the design of roofs, as mentioned in paragraph 4.2, above. Such options would need to respect the traditional fabric of buildings and avoid being unduly intrusive, as they can be, but some of the more visible methods of bird deterrent, such as netting, may only be appropriate on elevations of a building hidden from public view. A planning condition along the following lines could be introduced in respect of appropriate development:-</p> <p>“That, before the development hereby approved is commenced, details of measures for bird deterrent shall be submitted to and approved by the Head of Planning. The approved measures shall be implemented before the building is first brought into use/occupied”.</p>	
5.4	As mentioned in the report to your meeting on 4 November, the use of such a planning condition could only be considered in relation to new development rather than the conversion or change of use of an existing building where the internal conversion would not create any greater likelihood of bird infestation on the roof.	
5.5	The final area where planning can make some contribution is through the design of new developments. As previously stated the prime consideration in the design of any new development is to ensure that it harmonises with the established character and style of the surrounding area and therefore there is little scope for any radical departure from a traditional building style in most areas of the town, especially in conservation areas and areas of high townscape value. However, it should be possible to identify potential nesting sites and, wherever practicable, design these out of the scheme without compromising the overall design and character of the proposal. This advice could be provided to developers at pre-application stage as well as during the consideration of an application.	

6.0	<u>Financial implications</u>	
6.1	None	
7.0	<u>Other implications</u>	
7.1	There are no youth, human rights, anti-poverty or crime and disorder implications as a result of this report, but there are some human resource implications in respect of the research required, as outlined above.	
8.0	<u>Conclusion</u>	
8.1	<p>That, in considering planning applications for new development, there would appear to be some potential within the planning process for minimising the problems associated with herring gulls and these are summarised as follows:</p> <ul style="list-style-type: none"> • The use of planning conditions, including the introduction of a new condition to minimise the likelihood of gulls settling and nesting on roof tops. • Continue to rigorously use planning conditions to ensure that new development and conversions contain secure refuse storage facilities. • Provide advice to developers on ways in which the design of new buildings/extensions to existing buildings could be improved to minimise potential nesting areas. 	
8.2	That other Council services continue to be involved in the process.	
Tim Cookson		
Head of Planning		

Background Papers:	
None	