

Urban Gulls and the law

Source: www.rspb.org.uk

The situation so far

Since the 1940s, some herring and lesser black-backed gulls have used rooftops for nesting. It's not known exactly what prompted this move, but abundant inland sources of food and safe, predator-free nesting sites on rooftops were definite factors.

The 1956 Clean Air Act prevented rubbish tip operators burning waste, so gulls took advantage of the huge amount of organic material increasingly generated by our 'throw-away' society and sent to landfill. Many urban streets are also frequently replete with discarded food and accessible rubbish and some people feed gulls.

The birds nesting on roofs of houses are most likely to be herring gulls, whilst lesser black-backed gulls tend to concentrate on the larger expanses of industrial or commercial buildings with flat roofs. Although numbers of roof-nesting gulls, especially lesser black-backed gulls, are still increasing, the overall population of herring gulls is plummeting, making them a red list species. The lesser black-backed gull population has also declined in recent years.

Government licenses allow the killing of urban gulls only as a last resort, where a significant risk to public health or safety has been identified. While we understand that roof-nesting gulls can cause problems, we question the appropriateness of lethal control on a declining, red-listed species and highlight the need to comply with European bird protection law.

Furthermore, it is extremely difficult to distinguish between the nests, eggs or downy chicks of herring and lesser black-backed gull - even fledged young look identical to all but an expert eye. This makes species-specific control measures difficult.



Tackling the issue

Some local authorities attempt to control the numbers of urban gulls by egg-oiling or nest destruction. Since urban gull populations are still increasing, these actions do not appear to have the desired effect. As long as there are suitable nest sites and available food, random nest destruction alone is unlikely to work, since the birds will simply re-nest either in the same place or somewhere nearby.

Currently, knowledge on the numbers, and nesting and foraging habitats of urban nesting gulls and their interchange with 'countryside' gulls is low. There is also some evidence that the amount of interchange between 'urban' and 'countryside' gulls varies geographically.

We believe the best approach to understanding urban gull populations starts with comprehensive research to establish these basics, followed by development of effective deterrent methods for use in situations where gulls are causing problems.

These could include rendering nest sites inaccessible, reducing the organic waste taken to landfill sites and, in towns, preventing street littering, and making public waste bins, domestic and business waste containers, and collection arrangements 'gull-proof'.

Those best placed to do this include landfill companies, local authorities and statutory bodies with a wildlife management remit, but the behavior of private individuals is also important.



Gulls and the law

All species of gull are protected under the [Wildlife and Countryside Act 1981](#) and the Wildlife (Northern Ireland) Order 1985.

This makes it illegal to intentionally or, in Scotland and Northern Ireland, recklessly injure or kill any gull or damage or destroy an active nest or its contents. In Scotland and Northern Ireland, it is also illegal to prevent birds from accessing their nest, and in Northern Ireland, it is illegal to disturb any nesting bird. In addition, the Mediterranean gull is protected under Schedule 1 of both acts making it illegal to intentionally or recklessly disturb the birds at or close to their nest or to disturb their dependent young. However, the law recognises that in certain circumstances control measures may be necessary. Simple nuisance or minor damage to property are not legally sanctioned

reasons to kill gulls. The UK administrations can issue licenses, permitting nests to be destroyed or even birds to be killed if there is no non-lethal solution and if it is done to prevent serious damage to agriculture, the spread of disease, to preserve public health and safety and air safety, or to conserve other wild birds.

These licenses can be specific - issued to individuals on a case-by-case basis or general granted annually by the country administrations for use by an 'authorised person' (usually the landowner, occupier or someone authorised by them).

The general licenses their terms and conditions and the species to which they apply vary in different parts of the UK, and they can be altered or withdrawn at any time.

Anyone considering action against any gull must first consult the appropriate country agency for the current license terms and conditions. See the links on the right. These agencies should also be contacted for information on specific deterrent or control measures; we are not in a position to advise on these.

Actions outside the terms and conditions of a general license or that have not been permitted by any other individual licenses are criminal offences.

Read more at <https://ww2.rspb.org.uk/birds-and-wildlife/bird-and-wildlife-guides/gardening-for-wildlife/animal-deterrents/gulls/urban-gulls-and-the-law/#xxQ4rDZdpSlzDQYI.99>