

## Bird Scarers

Local farmers use bird scaring devices to protect their crops from being damaged before they have time to establish themselves. Bird scarers and bird deterrents are essential to protect many crops including oilseed rape and fruit and field vegetables from damage by wild birds. However, if used thoughtlessly they can seriously annoy and disturb the public. The National Farmers

Union designed a code of practice, providing advice and guidance to farmers and landowners on how to use bird scaring devices in an appropriate manner minimising the disturbance.

[NFU guidelines Bird\\_Scarers\\_leaflet\\_Update\\_09.08.12.indd \(nfuonline.com\)](#)

Are there any rules about using a bird scarer?

The use of bird scarers is not illegal. They are however, deemed essential in protecting certain crops. If a farmer or landowner is using such devices, they must ensure that they are not causing a statutory nuisance to others and that they are used in accordance with the code of practice produced by the National Farmers Union (NFU). The code of practice has been designed to provide advice and guidance to farmers and landowners on how to use bird scaring devices in an appropriate manner minimising the disturbance.

As a general guide bird scarers should:

- only be used where justified
- not sound on more than four times an hour
- not be used before sunrise or after sunset (this doesn't mean that scarers used after sunrise in the Summer are automatically acceptable)
- be positioned carefully to ensure that they are not pointing towards or too close to residential properties in the locality

What devices are usually used?

- 1) Gas banger - set on a timer powered by 12 v battery operated set with a time delay
- 2) Pidgeon shooters - people they allow on their land to shoot the pigeons
- 3) Rockets - fireworks let off by a person every morning creates a crack sound
- 4) Rope bangers – a piece of rope with tiny fireworks lit in morning which burn slowly throughout the day usually for about six hours and during this time there are around 12 bangs

When are these devices usually used?

They are usually used once the crop has been planted until it is established enough not to be at risk from birds. This is usually in Winter until the start of Spring

If the bird scarers are being used excessively during unsociable hours which are between 11pm and 7am, then please contact the Environmental Health team who will investigate the matter further.

How does the council investigate complaints about noise?

Complaints are investigated under the Environmental Protection Act 1990, to determine whether the noise is causing a Statutory Nuisance. In the investigation of complaints, Environmental Services would refer to the National Farmers' Union (NFU) code of practice. Standard letters are sent to both parties, and the complainant is required to complete diary sheets to record when the noise occurs. Thereafter, visits may be made by officers to determine whether a Statutory Nuisance is occurring. We would try to offer advice and assistance to the person who is alleged to be causing the noise of measures that could be taken to minimise the noise.

What action could the council take?

If the council is satisfied that the noise is causing a Statutory Nuisance, a notice can be served that can stop the activity occurring.

What if I don't want to make a formal complaint?

Many situations can be resolved on informal basis, perhaps by speaking with your neighbour to discuss your concerns and trying to reach an agreement. Environmental Services are unable to investigate anonymous complaints under the Environmental Protection Act 1990. However, there is the option for any individual to take a private action under the same act without any involvement by the council.

How do I take a private action?

1. Under section 82 of the Environmental Protection Act 1990, any person may make a complaint directly to the Magistrates' Court on the grounds that they are aggrieved by a statutory nuisance.
2. You may take your own legal action for an injunction or damages in respect of private nuisance. Public Health and Housing would advise contacting a solicitor regarding private action. Please note that you would be responsible for any costs incurred by this course of action.