



**Report to: Environment Committee, 2<sup>nd</sup> November 2021**

**Report of: Corporate Director – Operations, Homes and Communities**

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**Subject: ANNUAL GULL CONTROL REPORT 2021 AND PROPOSED 2022 GULL CONTROL WORK PROGRAMME**

**1. Recommendation**

**That Committee:**

- 1.1 Notes the work undertaken during 2021, and**
- 1.2 Approves the Proposed Gull Control Work Programme for 2022 as detailed in Section 3 of the Report and recommends to Policy and Resources Committee an additional £40,000 funding from reserves.**

**2. Background**

- 2.1 There are many negative aspects to having an urban gull population breeding in Worcester, including fouling of buildings, paving, vehicles and people, damage to buildings, injury from attacks and fear of gull attacks. Similar to previous years, sleep disruption due to early morning calls from gulls continues to be the main source of complaint as reported to the Council. Two-thirds of complainants cite persistent sleep disruption as their primary concern and about one-third contacted the Council about gull attacks. In many cases, complainants were concerned about the multiple negative effects of urban gulls.
- 2.2 Gull control work in Worcester City is primarily undertaken by Worcestershire Regulatory Services (WRS) with support from colleagues within the council including, Communications, Planning and Environmental Operations. The city is home to a significant population of Lesser Black-Backed Gulls which generally favour nesting on large flat roofs and a smaller population of Herring Gulls which generally prefer nesting on chimney stacks or roof ledges.
- 2.3 All wild birds, their young, eggs and nest are protected under the Wildlife and Countryside Act 1981. There are some provisions which allow landowners to engage authorised personnel to act contrary to the Act (known as a Section 4 defence). This requires the application to Natural England (NE) for a licence for permission to undertake lethal control of gulls which would otherwise be illegal acts. The provisions of the Act are specific in determining when a licence application for lethal control (including egg and nest removal) is valid.
- 2.4 A programme of gull control activities to be undertaken by the Council during 2021 was approved at Environment Committee on 27 October 2020. Additional funding of £37,000 was agreed during 2021/22 which enabled additional work to be undertaken on top of that set out in the original work programme.

This report provides an update on all the gull control work undertaken and proposes actions for next year's breeding season to build on the work done to date.

### **3. Gull Control 2021 - Annual Report**

#### **3.1 Summary**

3.1.1 Despite COVID regulations and guidance restricting much of the activity undertaken and issues with the licensing regime which are detailed below, 2021 has been a successful year in terms of gull control and actions to prevent negative impacts of birds for future years. In 2021-22 match funding by residents and businesses contributed an additional £7,550 in support of the gull control work on top of the Council's budget and some householders also paid for gull exclusion measures. This reflects strong collaborative working with local residents and businesses which has resulted in a number of improvements as detailed in the report.

#### **3.2 Nest and Egg removal**

- 3.2.1 The measures proposed for 2021 were primarily focused on reducing the success of breeding of gulls in the city. Following removal of the General Licences in 2019 we have relied on applications for individual licences. Where approved, these provide the ability to tackle nests on specific individual rooves that have been identified as adversely affecting Public Health and Safety. It is a long and inefficient process often meaning eggs have hatched by the time a licence is granted to remove eggs. To counter these issues, we have made arrangements for gull control work to go ahead, assuming a licence would be granted so that we could act as soon as it was. However, sometimes licences were not approved or significantly delayed. In addition, applying for individual licences requires time consuming resubmission of 'generic' supporting information which has been provided for previous submissions such as medical advice on the impact on health from sleep deprivation due to gull noise and the population information from our gull survey as two examples.
- 3.2.2 As a result, we engaged with NE to explain our experiences and the difficulties and frustrations that the current licence process presented. Consequently, they agreed to trial a new version of the licence to be granted to Worcester City Council as an 'Organisational Licence'. Bath and North East Somerset Council were also chosen to trial the licence. A significant volume of 'generic' and site-specific evidence was provided to support the impact on Public Health and Safety that was caused by the birds nesting in the sites identified as those covered by the licence. The Organisational Licence granted to Worcester was provided late (in terms of breeding season) and was limited in terms of number of birds, nests, eggs and chicks that could be legally taken under the licence and geographical extent. Whilst the Organisational Licence theoretically covered the whole city, it was only specific areas that were agreed in advance based on our knowledge from last year and evidence gathered to pass the legal test. Gull control in other areas, outside of those approved in advance, would require evidence to be submitted (and approved by NE) for proposed action at each individual property in advance.
- 3.2.3 Unfortunately, the quota limit of eggs that could be taken under the organisational licence was insufficient to enable public health and safety to be maintained by the time the birds began laying.

Whilst commencing with the gull control work we immediately engaged in communication with NE on the possibility of increasing the limit which became more pressing once nest and egg removal commenced as we identified more nests being made than predicted on specific roofs included in the licence. Feedback received from NE was one of understanding for our situation and that the licence could in theory be increased whilst staying within the ethos of the intent of the NE in setting the organisational licence quota limit, and that additional action would be required to be taken to continue to protect public health and safety.

3.2.4 That additional work and any subsequent work could not be completed under the organisational licence. Thus to enable gull control work to continue, the process of application for individual licences on areas covered by the now-suspended organisational licence as well as other areas was commenced. Whilst NE did not automatically approve the individual licences (despite the same weight of evidence being provided), all 15 applied for were eventually approved (note these amounted to more nest and eggs being removed than permitted under the organisational licence). Despite delays, increased costs and difficulties with process, an effective programme of nest and egg removal was undertaken in the city.

3.2.5 Figure 1 below provides context for the number of nests, eggs and chicks removed this year.

Control method	<b>Work in Worcester for 2021</b>	Work in Worcester for <b>2020</b>
Nest removal	<b>141</b>	2*
Egg removal	<b>223 eggs destroyed</b>	56
Chick removal	<b>29 chicks rehabilitated</b>	4**

\*The primary strategy in 2020 was egg removal (and replacement with dummy eggs) which involved leaving the nest in situ. This was not possible at one property where nest and egg removal was used instead; one nest was removed on two occasions here. Egg replacement was changed in 2021 in favour of nest and egg removal as the method of licensed lethal control.

\*\*Two chicks were humanely despatched under licence (Debenhams, High St) following a spate of aggressive attacks; this was before arrangements were able to be put in place for rehabilitation.

### 3.3 **Gull Proofing**

3.3.1 It is recognised that the most effective way of removing the negative impact of gulls is by removing the ability for them to perch and nest around the sensitive location. In fact, it is a requirement of any NE licence for nest and egg removal that gull proofing measures are undertaken so that there is no need for a licence application in the future. If this is not done, NE require a convincing explanation as to why non-lethal gull management measures cannot be put in place before any future licence for lethal control would be granted.

Gull proofing also supports the City's integrated gull management strategy in that we can demonstrate to NE that we are using non-lethal gull management measures where possible, and that we only apply for licences for lethal control on properties where for practical or economic reasons there is no alternative. This helps ensure licence applications where needed are successful.

3.3.2 Recognising the benefits in doing this, we have used our activities (in nest and egg removal) to help subsidise the cost for residents in having gull proofing undertaken where this has been possible. For 13 properties where the Council were undertaking nest and egg removal, we used the opportunity for the landowner to pay the contractor to fit gull proofing measures whilst present with the necessary mobile elevated working platform (cherry picker) at the time of nest and egg removal. In most cases this involved fitting a steel mesh cage around chimney pots, excluding gulls from the ability to nest there.

3.3.3 There were a number of properties where that was not possible and officers are working with those landowners to identify a suitable solution and financial opportunity to undertake the works.

#### 3.4 **Nest removal and roof clearance**

3.4.1 With additional funding being provided this year, a programme of nest removal and roof clearance of debris was commenced in October. It is expected that such activity will reduce the success of gulls breeding and landowners are encouraged to do this to comply with insurance requirements as well as it being an appropriate gull control. It makes the roof look less like an appropriate nesting location by confirming that the roof is accessible and that any nest there will be vulnerable to human presence. It also makes the process of nest building harder. Removing nest material means the birds must start from scratch, delaying egg laying and causing additional work and energy loss for the birds.

3.4.2 Whereas some landowners can undertake this via internal access points, the nature of some buildings in the city means that is not possible and requires the use of elevated working platforms which is the greatest cost in undertaking this work. Members will be aware of the deployment of the UK's largest tracked lateral reach 'cherry picker' in action undertaking this work at certain locations in the city centre, Britannia Square and Lower Wick. However, it provides an opportunity at the same time to review nesting locations, map newly identified nests and assess appropriateness for gull exclusion opportunities and discussion with property owners.

3.4.3 Gull exclusion measures have been developed this year using galvanised steel 'weldmesh'. Exclusion cages can be fabricated and tailored in situ to fit over smaller nest sites. In order to experiment with and perfect the designs, and to encourage property owners to invest in non-lethal gull control, the Council has worked with landowners where several properties can be covered at the same time. Two principal designs have been developed: a chimney top cage with a domed roof that covers common nesting sites between chimney pots and an A-frame, triangular cage used to deny access to the 'notch' at the rear base of chimney stacks where the brickwork meets the pitched roof. Both main designs are discrete in appearance, durable and can be easily removed should maintenance on the building be required. Sixteen gull exclusion cages have fitted this year, including two at the Guildhall.

### **3.5 Disturbance**

- 3.5.1 We have focused our efforts in sensitive locations with problematic nesting birds. We have encouraged residents and tenants to increase their presence around nesting locations prior to nest construction with the aim of creating an environment unsuitable for nesting that does not require any lethal control (nest, egg or chick removal). This approach was successful in Britannia Square in 2020 and with a coordinated approach, including the use of hawks, it was concluded that birds did not displace to adjacent roofs and this approach could be replicated in other areas.
- 3.5.2 All birds that do not hide their nest attempt to do so in a safe location away from predators or damage. Increased human presence and creation of disturbance provides an additional stress factor to the birds in sensitive locations. Experience to date suggests that this is most effective immediately prior to nesting whilst birds are selecting a nesting location. Residents in Britannia Square who previously undertook this activity were encouraged to repeat it in 2021.
- 3.5.3 In order to evaluate the separate effects of nest interventions and hawking as gull management approaches, the latter was withdrawn from Britannia Square in 2021. Licences were obtained for nest and egg removal at the four known nest sites in the Square (site approval under the Organisational Licence and a subsequent individual licence). The nest interventions alone this year ensured that to the best of our knowledge, no chicks were produced in Britannia Square this year. Nests and eggs were removed from three of the four nest sites. At one property where there was a nest in 2020, the nesting pair appeared to have a periodic presence, but they did not establish a nest. If the gulls observed were indeed the 2020 nesting pair, it is suggested that they were testing the safety and ongoing suitability of their former nest site. This may have been due to the combined disturbance effect of nest interventions and hawking in 2020 but they may also have been aware of the nest and egg removals taking place a short distance away in 2021, and considered it unsafe to nest. It is not known whether the pair established a nest elsewhere this year. Two of the Britannia Square nest sites are now protected against further nesting. One of the remaining properties cannot be proofed for practical reasons and nest and egg removal (lethal control) may have to continue in 2022. We are currently exploring a way of protecting the fourth nest site should the gulls which did not nest there this year decide to do so in the future.
- 3.5.4 At the breeding colony near Heron Close, Lower Wick several loud hailers and a flagpole with a red flag were used to create a disturbance, in the absence of the ability to access the roofs where the birds are nesting. This was done by local residents and a local company working together. In the absence of the ability to access a commercial roof used for nesting, a set of steps up to an existing elevated platform was used by the company's staff to use a loud hailer from and make roof checks with a torch in the lead up to the nesting season. Observations show that all the birds this year were nesting on the far side of the roofs away from the disturbance activity suggesting that the activity had a positive impact.

### **3.6 Complementary Hawking in high sensitivity areas**

- 3.6.1 Complementary hawking was undertaken at numerous locations around the city centre, including RGS and St Oswald's, K1 & K2 buildings, Crown Green Court, The Whitehouse Hotel, The Guildhall and High Street, Copenhagen St, Fish St, College Yard, Worcester Royal Porcelain Works, Museum of Royal Worcester, Chamberlain

Court, Austin Court, St Wulstan's Court and Albion Mill. Areas were targeted based on problematic nesting birds and where landowners or tenants assisted through match funding the activity with the Council.

- 3.6.2 Hawking took place from 22<sup>nd</sup> March 2021 for four days a week and 8 hours a day with diminishing intensity over the weeks until mid-May, then following additional funding being sourced, continuing from July into September. The impact of the hawking is difficult to evidence directly because it is used alongside other gull deterrents and control methods. However, residents of areas where hawking took place during the breeding season said they believed it had a positive impact 'in quietening things down'. It is known that regular breeding pairs returned to nest in their traditional locations despite the hawks, but there is anecdotal evidence to suggest that they stayed away for longer before coming to nest and new pairs were put off. For example, RGS, St Oswald's and the K2 building had no new pairs choosing to nest there. The later starting date for regular breeding pairs to nest may be a result of weather conditions or other factors so a longer-term review of this is required.
- 3.6.3 Whilst it is obvious that the early breeding season hawking may deter birds from nesting in a location, the later flying of hawks was targeted at encouraging those chicks that have successfully fledged this year and immature birds (1-4 years old) to depart earlier. Herring and Lesser Black-backed Gulls generally migrate in the autumn to Spain, Portugal and north Africa returning in early spring, although some younger birds may remain in the UK and overwinter. The later hawking continues to create a less comfortable space for gulls in the city and we have had reported by residents that it has helped to create a quieter environment this year.

### 3.7 **Chick Removal**

- 3.7.1 Where harm to public health and safety has been established and a licence was granted, chicks were removed from nests. Twelve chicks were removed from nests across the city due to public health and safety concerns caused by aggressive activity by the parent birds and chronic sleep deprivation for residents caused by overnight noise.
- 3.7.2 In addition to the above chicks, six flightless chicks were taken mainly at street level in urban areas to reduce the likelihood of defensive attacks against humans and potential road traffic accidents. The birds were collected and taken to a rehabilitation centre for release elsewhere.
- 3.7.3 All 23 chicks were rehabilitated and released away from the city. The birds were fitted with identification rings to aid knowledge about urban gull behaviour. It is not known whether urban hatched birds will predictably return to an urban setting to breed. Additionally, whilst male birds tend to return to the colony where they hatched to breed when mature (around age 4), it is assumed those taken as chicks in Worcester and rehabilitated elsewhere were too young to identify the location of their hatching to return to it.

### 3.8 **Removal of Feeding Opportunities**

- 3.8.1 Whilst the significance of local feeding opportunities is not considered a primary reason for the birds being in the city, reducing these is seen as a way of encouraging foraging elsewhere and thus reducing the impact of their presence in the city.

3.8.2 The Gull Officer has been tackling obvious opportunities for the gulls to feed including liaison with landowners to assist in ensuring suitable waste provision is installed as was the case for a property in Copenhagen Street.

3.8.3 The City Council have introduced a PSPO for intentional feeding of gulls and have continued the roll out of more appropriate waste bins to eliminate feeding opportunities. Both of these activities are subject to separate reporting.

### 3.9 **Planning Guidance**

3.9.1 Work has continued to develop the practical guidance required to support the planning policy in the draft South Worcestershire Development Plan. The guidance drafted has been influenced by our experiences of identifying where gulls like to nest, accessibility requirements and roof design and materials which are not favoured by gulls to nest or perch.

### 3.10 **The Gull Forum**

3.10.1 Meetings of the Forum have continued in a similar pattern to previous years, with one set before the gull season in March 2021 outlining what all organisations were proposing and another held in October 2021 on experiences and learning.

3.10.2 Unfortunately, most businesses or organisations were unable to deliver any gull control outside of working with WRS and the Council due to the COVID-19 restrictions and economic concerns. Traditionally a mixture of egg and nest removal and hawking is undertaken by some of the larger landowners in the city but due to either restricted access or issues with the NE licences, none was undertaken. The bunting usually erected by Worcester BID similarly was not used during most of the breeding season this year. However, some bunting was installed throughout much of the pedestrianised area in the city centre in August.

### 3.11 **Research**

#### How design discourages nesting.

3.11.1 Following discussions with the University of Worcester, a research project looking at how materials and shape may discourage gull nesting was commenced this year. A literature search has been completed with the conclusion that there is little documented evidence on this subject and, where it is, the examples are anecdotal, small scale and not scientific. Officers are working with the University to develop this project using examples in the city to evidence behaviour patterns and provide a base for the planning guidance being developed.

3.11.2 WRS collaborated with the managers of a large retirement apartment complex in Barbourne to test the effects of a red roof surface in deterring nesting. A very large, flat roof valley where there had been two gull nests in 2020 was cleaned and given a bright red durable coating just prior to the nesting season. This appeared to work in deterring the two existing gull pairs and possibly any new pairs from nesting on the roof valley. One of the pairs nested elsewhere on the building – a short distance away on dark brown roof tiles and behind a vent. The building was clear of other gull nests, so it is assumed that the other pair moved elsewhere. This fund-matched experiment suggests that gulls may prefer not to nest on red surfaces, although further scientifically based research would need to

take place to demonstrate that it was the red surface that changed the gulls' behaviour. Additionally, this method is expensive, and the red surface must be kept clean, bright and shiny and other parts of the building must be secured to make it effective

- 3.11.3 Scarborough Borough Council had proposed in 2021 the launch of a match-funding scheme for property owners to install gull exclusion measures in the town centres of Filey, Whitby and Scarborough, using approved contractors. WRS officers have investigated this scheme. It appears that this scheme is yet to start. The success and effectiveness of this project will be reviewed if launched, to establish whether their experiences can help influence our work.

#### Review of egg oiling.

- 3.11.4 Officers reviewed reports of success using biodegradable corn oil dispensed from drones for the purposing of egg oiling. Following investigation by the Gull Officer, it was established that the reports were not as reliable as hoped as it was a small and unscientific report and experts were considering it not as relevant in a UK setting particularly in the west of the country due to the higher rainfall. Like egg replacement, egg oiling may help to perpetuate the gull colony by allowing nests to remain in situ. The presence of existing nests encourages other newly arrived gulls to nest nearby to gain the benefit of safety in numbers.

#### Gull Behaviour review

- 3.11.5 As with many of the research projects, this is an ongoing study involving ringing of new birds and review of sightings of existing ringed birds. This breeding season 54 birds were colour-ringed on rooftops where licensing issues meant nests and eggs were not removed prior to hatching. In addition, the 37 chicks recovered by the Council's contractors and taken for rehabilitation were all ringed prior to release at Newnham on the Severn Estuary.
- 3.11.6 Observations of birds ringed in 2020 in Worcester show records mostly from Spain and Portugal with a few UK sightings. The surprise was one male bird recorded in Madrid in February then Limerick in June. Recent observations show six of the 2021 Worcester chicks in northern Portugal, two in Leicestershire and two in Wiltshire. Ten of the rehabilitated chicks have so far been spotted by the British Trust for Ornithology's (BTO) international network of observers: six in Lisbon, Portugal and single birds in Lower Court, Wiltshire, Weymouth, Barry and Ilfracombe. This is a long-term project as gulls do not breed for the first few years, so the most interesting results will be in year 2024 when birds first ringed in Worcester in 2020 may potentially return to breed. It is then when we will hopefully identify where they have chosen to nest.
- 3.11.7 A decision was taken not to fit transmitters to birds this year. The cost of fitting transmitters was considered not value for money when compared with likelihood of success in achieving our objectives. Without the ability to fit transmitters to a significant number of birds we would only be getting anecdotal evidence of what the birds do, where they go to feed and migrate to based on a small number of birds. There is also a high likelihood of battery or equipment failure or loss.

#### **4. Proposed gull control strategy and work programme for 2022 breeding season**

4.1 Building on the successes and knowledge developed this year the following proposals set out what can be achieved within the existing budget and with additional funding in the event that it is made available. The actions presented provide a systematic and effective gull management strategy for 2022 that can be incorporated into a long-term strategy. It considers the prevailing legal and ethical environment and what can be achieved at a practical level in light of our experiences. The activities are grouped by activities that will address specific gull issues next year and longer-term actions to create an environment where the negative impact of gulls is minimised. Costs associated with each activity are specified in the Financial Implications section.

#### **4.2 Lobbying for a change in Natural England's gull conservation policies**

4.2.1 Elected Members are asked to consider lobbying national government for a change to, or relaxation of, Natural England's current approach to the licensing of 'lethal' gull control in urban areas. Natural England is an executive agency of Defra; the Rt Hon George Eustice being Secretary of State.

4.2.2 Natural England's approach to licence application approvals helps maintain urban areas as *refugia* or safe, protected breeding areas for the lesser black-backed gull and the herring gull. It is likely this approach is taken because both species in their natural-nesting (rural coastal) environments are in decline. Natural England contend that for species conservation reasons they must be very cautious about licensing lethal gull control in urban areas; this they say, is because they do not have reliable data to show that urban-nesting gulls are not in decline. The lack of reliable population data makes the role of the regulator (NE) difficult to the process applications and issue licences, causing delays and refusals.

4.2.3 From the perspective of preserving public health and public safety the current licensing regime is not fit for purpose, and wasteful of public funds. This is because the licensing process frequently fails to permit timely action to be taken, does not always allow such action despite compelling evidence, and it absolutely minimises and/or imposes 'sustainability' limits on the number of nests and eggs that can be taken at specific times thereby severely reducing the effectiveness of the action taken. On a more positive note though, Natural England's approach has become more flexible over the year as more liaison has taken place and as there has been good dialogue around the various issues.

4.2.4 Where licences are granted, they are solely for a site-specific purpose in preserving public health or safety and they are not intended to permit any form of wider gull population control. However, a change in policy to permit lethal control via systematic nest and egg removal from residential areas for example, would begin to allow active participants in gull control to take much more effective action in managing where gulls nest are and the issues arising therefrom.

#### **4.3 Gull Population Survey**

4.3.1 In order for effective gull management, evaluation and decision-making to take place it is essential to continue to have accurate measures of the size, distribution, and species mix of the gull population; and to know rates of change over time. The 2020

census was pivotal in supporting applications to Natural England for lethal control because we could demonstrate that gull numbers in Worcester were very healthy from a conservation perspective. It is proposed to commission an expert to undertake a city-wide gull population survey in 2022 using the same methodology as 2020.

#### **4.4 Gull Data Exchange and other cooperation between local authorities at a regional level**

4.4.1 There is much connectivity between urban gull colonies in the River Severn basin. They supply each other with migrant gulls and any management activity in one location might be quickly undone by a lack of such action elsewhere. NE has also used this inter-dependence and doubts about precise gull population levels and rates of change in urban areas of the Severn basin to limit the number of gull nests in Worcester even when it has been accepted that there is a demonstrable public health or public safety issue at a specific site.

4.4.2 For these reasons it is recommended that a regional inter-local authority gull forum is re-established. Historically a Severn Estuary Gull Liaison Group operated until 2016 and was useful in sharing knowledge. A revived group in the current legislative context would help provide a powerful lobbying voice with central government; coordinate and conduct gull surveys in the region's major urban centres; share knowledge, expertise and intelligence on gull-related matters; raise awareness of the urban gulls issue; achieve scale economies in relation to the management of gulls by sharing resources and officers. For this to work and be effective Worcester would need to take a lead in setting this up.

#### **4.5 Reactive gull nest, egg and chick removal capability**

4.5.1 It is recommended that the ability to engage in the licensed removal of gull nests, eggs and chicks in reaction to legitimate complaints about public health and safety is retained. This will allow the Council to respond, and be seen to respond, to serious public health and safety issues as they arise – especially where nests have appeared in new locations. Over the past two gull nesting seasons, we have developed the capability to obtain licences for this purpose from NE and, in partnership with our contractors, to physically enact the recoveries in an efficient, effective and humane manner from almost all locations. In order to ensure that gull chick recoveries reach the highest ethical standards, birds are taken to a rehabilitation centre for upkeep and eventual release into the wild in a rural coastal environment.

4.5.2 This partnership working also includes the ringing of the chicks before release. This is in order that the BTO can monitor their survival rates and patterns of movement. The nest and egg removal work is proposed as two days of multiple site visits, repeated on four occasions at 21-day intervals. Our experience this year has been that gulls can return up to four times to the same nest site to re-establish the nest and re-lay eggs. Where possible, to reduce long term costs and satisfy NE licence conditions, we would attempt to persuade the property owner to install gull exclusion devices such as steel mesh. It is proposed that access costs would be included in the costs incurred during nest and egg removal but the property owner would cover the cost of exclusion measures required at their property.

4.5.3 We would also anticipate alternative nest sites nearby that the gulls might displace to, particularly those roofs with the same design and therefore nesting opportunities.

In these cases, we would attempt to encourage and assist the property owners in undertaking gull exclusion measures.

#### **4.6 Subsidised Gull Proofing Scheme**

- 4.6.1 Owners of properties where there are known gull nests would be invited to take part in the scheme in which the Council would pay for access and the property owner would pay for the proofing and installation. In most cases this would involve the installation of bespoke, galvanised steel cages over the nest site such as the tops of chimney stacks, between the bases of chimneys stacks and roof ridges, over small roof valleys and covering the voids behind roof parapets.
- 4.6.2 As referred to above, owners of alternative nesting sites nearby would also be invited to take part in the scheme. In this way, gulls would be denied access to obvious nesting sites within specific areas. The aim of the scheme would be to target gull nests in locations where public health and safety concerns have been established as well as sensitive locations. It will be strictly a 'by invitation scheme' operated by WRS on behalf of the Council to ensure that access is feasible without incurring excessive costs, it is within budget and action taken is consistent with the overall gull management strategy for 2022.
- 4.6.3 The scheme would be operated outside of the nesting season and would therefore benefit from not requiring a licence from NE. This work would demonstrate the commitment of the Council, businesses and residents in non-lethal forms of gull management where possible and support licence applications where that is not possible. The use of steel mesh gull exclusion as delivered during 2021, should in particular provide a semi-permanent solution that is likely to reduce both long term direct gull management costs for the Council and the wider indirect costs of gull activity in the city. Whilst not requiring maintenance itself, the steel meshing can be unscrewed and fixed again to allow maintenance to be taken place by the property owner.
- 4.6.4 As described above, this approach has been delivered successfully during 2021 and so a review will be undertaken to confirm the assumption that the proofing installed is delivering an effective control.
- 4.6.5 Focusing on locations already identified as having problematic gull pairs breeding and to support wider areas around locations where gull proofing has already been undertaken, it is proposed to invite the owners of up to 28 properties in four city locations to take part in this scheme in 2022. Other locations would be considered on an ad hoc basis following experiences of the breeding season and available funding.

#### **4.7 Development of Gull nest exclusion zones**

- 4.7.1 The wider work included in the 2022 gull control activities would begin to form areas with significant deterrents to gull nesting. It is proposed that these are actively 'managed' through cooperation between the Council, businesses and residents to provide an area that is not suitable for gull nesting. These would form three experimental gull nest exclusion or close management zones. These zones would be in places particularly sensitive to the effects of nesting gulls, and where there are demonstrable public health and safety effects, but also other social, economic and environmental impacts.

4.7.2 The intention would be to totally exclude and systematically deter gulls from nesting within these small defined areas. This would be achieved through a mixture of exclusion devices such as steel mesh, netting, spikes and regular human presence around the nest sites. The success of the scheme would be dependent on the Council's success at persuading and obtaining the active participation of landowners, businesses and residents. On buildings where for reasons of cost and/or lack of cooperation from property owners, licensed nest and egg removal would take place with complementary deterrent hawking. A further aspect of this intention is to permanently de-establish these zones as nesting sites. The theory behind this is based on expert advice from Dr Coulson, formerly Professor at Durham University and consultant to Dumfries and Galloway Council that, for safety reasons, gulls wish to nest in areas where there are other gull nests, and that any management plan must exclude all nests from an area to be truly effective. The theory being that as colony nesters, if gulls are allowed to remain, they will attract others.

4.7.3 Three Gull nest exclusion zones are proposed.

#### The Tything

4.7.4 The residents of this area have experienced significant health and safety issues relating to nesting gulls for many years. The exclusion zone would consolidate licensed nest interventions undertaken in the last two years and significantly reduce ongoing gull management in the area. There are currently known to be 15 regularly nesting pairs of birds in this area. The proposals of gull netting, steel mesh cages and nest and egg removal to include co-funding of some activities by businesses in the locality.

#### Weir Lane/Lower Wick

4.7.5 One commercial property has around 35 gull nests, with the birds causing significant problems for residents in terms of sleep disturbance and aggressive attacks. This large sub-colony also appears to be encouraging new nesting pairs to establish in the surrounding residential areas. The focus in this location will primarily involve a combination of deterrent and disruption measures because of the large, fragile asbestos roofs of the main breeding site.

4.7.6 Pre-season clearance of nesting material has already been undertaken during September 2021, but for the 2022 breeding season a 12m temporary access tower will be erected overlooking the nests to enable disruption activities (to include daily human presence enhanced with use of agri-lasers, lights, roof tapping with poles and recorded gull distress calls). This will be complemented with late winter/early spring deterrent hawking and nest and egg removal during the breeding season. Additionally, in this specific location gull spike installation on lampposts will be attempted to deny gulls and platforms for use as 'sentry' or 'attack' points.

#### Fish Street/Copenhagen Street

4.7.7 This is proposed as the Guildhall, High Street frontages on both sides from The Guildhall to Fish Street, Copenhagen Street east of Deansway and Fish Street. There are around 40 nests in this location with a significant health impact from some birds and wider social, economic and environmental impacts from the gull colony here.

The Guildhall is included to allow the good practice employed here by the Council to be incorporated into wider benefit for and expanded upon working with neighbouring landowners and tenants.

- 4.7.8 Gull proofing is proposed at The Guildhall from nesting gulls but not possible due to costs and fragility of the roofs at Stallard and St Helen's Church sites. As a result nest and egg removal will be continued. Working with landowners and residents it is hoped to install gull exclusion measures at other properties within this area. There are a number of properties in this area which are yet to be included with the gull control work and contact will be made to explore opportunities. Deterrent complementary hawking is proposed early in the breeding season.
- 4.7.9 In order to properly evaluate the zones they would need to be maintained in at least the medium term possibly 3 – 5 years. The initial one-off costs identified below are to set up the exclusion zones, future revenue implications will be considered as the effectiveness of the approach is reviewed.

#### 4.8 **Deterrent Hawking**

- 4.8.1 Continuing trials of deterrent hawking are proposed to work in concert with the other gull management measures. In the light of our experience this calendar year it is proposed that the 2022 programme will include funding from this year's budget to provide hawking from an earlier starting date to deter earlier arrivals 'prospecting' for new sites and gulls displaced by exclusion measures. The recommendation is for the programme to run five days per working week from Monday 15 February 2022 to Friday 14 May 2022.
- 4.8.2 The sites where the hawks are deployed would include the 2021 sites and additional locations (subject to property owners match-funding as previously for hawking post April 2022). To include:
- Fountain Place, St George's Square, and Shrubbery Road and Avenue
  - Cumberland St, Lansdowne St
  - Britannia Square, Albany Terrace and York Place
  - RGS, St Oswald's Hospital
  - The Tything – K1 and K2
  - Crown Green Court and St Mary's Street
  - Foregate St, High St, Broad St and the city centre
  - The Guildhall
  - Spring Gardens, St Martin's Gate car park, Pheasant St
  - College Yard and Old Palace
  - Royal Worcester site, including Austin Court, St Wulstan's Court and Albion Mill
  - Weir Lane.
- 4.8.3 Given the number of sites to be covered, a five day per week programme would be needed to ensure sufficient coverage for each site. The sites have been selected in according to their gull activity and human sensitivity to gulls.

#### **4.9 Development of Planning Guidance and street enhancements**

- 4.9.1 Obliging the 'designing-out' of gull nesting opportunities in new buildings and in extensions, changes of use and refurbishments should be a priority. Whilst gulls continue to make use of new nesting niches on Worcester's large stock of traditional buildings, the building of new commercial and industrial premises within and just beyond the city boundaries afford further opportunities for the gull colony to grow. WRS will continue to work with Planning Policy colleagues to complete drafting of the guidance.
- 4.9.2 In addition to building design, consideration will also be given to street scene adaptations that can influence gull behaviour. Evidence from our work in the city will help shape this guidance which will assist urban planning colleagues with urban planning design. Swooping and food-snatching by gulls appear to be significantly reduced where there are physical barriers to flight in the pedestrianised streets of the city centre. The trees in High Street outside Boots and the former Debenhams store and Worcester BID's bunting appear to have a positive impact. Similarly, the catering concentration close to Huntingdon Hall with its trees and canopies is relatively free from swooping gulls.

#### **4.10 Ensure feeding opportunities are not available to gulls**

- 4.10.1 Officers will continue to work with the public, businesses, Worcester BID and other organisations to limit the amount of food and waste food available for gulls. This will include ensuring that businesses and individuals comply with regulations regarding the storage of waste prior to collection, including the over-filling of bins; continuing to roll out the replacement of closed top litter bins with open apertures with the completely gull-proof design; maintaining frequency of street litter collections to routinely include evenings when much takeaway food waste is dropped – gulls have often already taken the food from the packaging by the time it is picked up the following morning; and the evening litter patrols target areas where significant food waste is dropped.

### **5. Alternative Options Considered but not recommended for 2022/23**

#### **5.1 End of season nest removal**

- 5.1.1 2021/22 cherry pickers were hired, with associated street permits, for five days at the end of September to clear that year's nests from as many of the city centre buildings as possible.
- 5.1.2 There are many benefits to this activity. It allows an opportunity to identify precise locations of city centre nests, some of which will not be known of previously and provides accurate data on the number of nests in the city centre. From this knowledge we can plan gull exclusion measures, proactively contact property owners to encourage action to be taken. This all would make the city a less attractive location to nest in as the gull would have to work much harder, fly further and expend more energy in 2022 to find nesting material for the nests.
- 5.1.3 This work would require an estimated additional £11,000. At this stage, therefore, it is proposed to concentrate on the gull exclusion zone activity and to focus existing and new requested resources on the activities outlined in the proposals above.

A further report will be brought to committee to consider this additional once the impact of the other new initiatives has been assessed.

## 5.2 **Enhanced Bunting in the city centre**

5.2.1 It is not proposed to increase the density of the bunting recently installed in the city centre. There could be benefits to increasing the density with improved effectiveness as a barrier to gull flight but, as with the nest removal work, we need to understand the impact of other proposed measures before committing to this approach. This work would require an estimated additional £4,000.

## 5.3 **Widespread cull**

5.3.1 To confirm that, in line with the Counsel advice provided to the council in 2020, a widespread cull would be unlawful, and any licence application to NE would be unsuccessful. This approach has been tightened with the refusal to approve area-wide applications, unlike previous years, and instead only grant licences with a detailed evidence base for a specific location. Concerns with the approach taken by NE in relation to the issuing of licences have been raised with them already.

5.3.2 A widespread cull would be highly unlikely to work because of the behaviour of gulls. At the time of a bird's first breeding year, if it were a male it would normally return to the natal colony. If it were a female bird it would choose a different colony in the vicinity, which is backed up by observations of Bristol and Gloucester hatched birds breeding in Worcester. Any Worcester cull would have to be repeated in every colony in the entire region for many years to be successful in removing the birds from Worcester. Under the existing legislative framework, this action would be illegal.

## 5.4 **Do nothing**

5.4.1 There is no legal obligation for the Council to undertake any gull control work. However, the city is negatively impacted by gulls. Residents, businesses and visitors have come to expect and appreciate the work the Council undertakes alongside contributions by others to reduce the impact.

## 6. **Implications**

### 6.1 Financial and Budgetary Implications

The cost of delivering the recommended actions in Section 4 above would require an additional £40,000 to the existing budget (£30,000 plus an additional £5,500 within the WRS budget).

<b>Proposed cost elements for 2022</b>	<b>Estimated cost (£000's)</b>
Gull Population Survey	4.5
Nest, egg and chick removal capacity including chick rehabilitation	12
Gull Proofing scheme	7
Gull Exclusion Scheme – The Tything (excl. hawking)	7
Gull Exclusion Scheme – Wier Lane/Lower Wick (excl. hawking)	5
Gull Exclusion Scheme – Copenhagen St/Fish St (excl. hawking)	17
Deterrent Hawking (April & May 2022)	7

WRS Staffing costs	15
<b>Total</b>	<b>74.5</b>

The above costs are based on estimates of the proposed work required and excludes any recovery of match funding elements from business or organisations. The latter is estimated to be approximately £30,000, giving a total value of anti-gull work managed by WRS in the city of £105,000 for 2022/23.

The proposed budget is a combination of ongoing revenue costs of £35,500 which are already included in base budgets and one-off proposals of £40,000. The work supports delivery of the City Plan. However, the City Plan Fund is fully committed. Reports elsewhere on this agenda indicate that funding from the City Delivery Fund established at outturn 2020/21 can be made available following the capitalisation of proposed spend in 2021/22. Therefore it is proposed to fund this work from a carry-forward of unspent elements of this budget if this is approved by the Policy & Resources Committee.

#### 6.2 Legal and Governance Implications

The work plan proposed in section 3 above is within the current regulatory framework and is not considered at risk of challenge from NE or any other interest group.

#### 6.3 Risk Implications

As set out above the proposed work plan has been developed to achieve maximum impact whilst complying with existing legislative frameworks. Any decision to seek to step outside the programme would require an evidence base and both specialist and legal advice to minimise the risk of legal challenge.

#### 6.4 Corporate/Policy Implications

The proposals are in support of the City Plan's themes of a 'Healthy and Active City' (3) by reducing the negative health impacts of gulls for residents and businesses and 'Sustaining and improving assets' (5) by supporting landowners to take proactive measures to reduce the negative impacts of gulls on the structure of the buildings and image of the city.

#### 6.5 Equality Implications

No equality implications have been identified in the development of the 2021 work programme.

#### 6.6 Human Resources Implications

None. Existing staff will deliver a significant proportion of the work programme.

#### 6.7 Health and Safety Implications

No health & safety implications have been identified in respect of this report

#### 6.8 Social, Environmental and Economic Implications

The work programme as set out balances the wider environmental concerns of two bird species with conservation concern against specific evidenced harm to public health and safety.

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**Background Papers:** None