

Tyne Kittiwakes and the Use of Deterrents Guidance



What is this document about?

The safe and informed use of deterrents to prevent kittiwakes landing and nesting on buildings and structures in Newcastle City.

Who should read this?

Businesses, property owners and managers who have, or are seeking to, install deterrents to prevent kittiwakes from accessing their building or structure. Contractors installing and maintaining kittiwake deterrents. Newcastle City Council staff working on listed buildings, communications, ecology, members of the public wishing to understand the use of deterrents.

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1. Introduction

This guidance seeks to inform those already using, or seeking to install, deterrents to prevent kittiwakes from landing and nesting on their buildings and structures. Important details on the implications and responsibilities associated with deterrents, as well as some of the different options available are explained. It is not the role of this document, or Newcastle City Council, to advocate the use of deterrents or make particular recommendations as to the type of deterrent that should be used on any particular property.

2. The Tyne Kittiwakes

Kittiwakes are a type of gull which usually nests on remote coastal cliff ledges. Buildings and bridges can sometimes replicate these features and the Tyne provides an easy route out to sea where they feed. Kittiwakes do nest at other (coastal) urban areas, including in the UK, Scarborough and Lowestoft, with the Newcastle-Gateshead birds being the most inland colony in the world. The journey along the Tyne out to sea, where they feed, does not present a problem for these birds, which are capable of flying over 100 miles in a single foraging trip.



Important note:

Kittiwakes feed exclusively at sea and do not eat human food found within the City. In fact, these small gulls do not interact with people at all. These birds are present along the Tyne from late February to late August, with the winter spent at sea.

Kittiwakes have been nesting on the Quayside since the 1960s. Since then their numbers have been increasing; over 2,500 kittiwakes were recorded nesting alongside the Tyne in 2017. That includes 1,300 kittiwakes nesting on the Tyne Bridge and hundreds more on other buildings and structures along the river.

This expanding population has also been shifting due to the use of deterrents and the loss of nest sites through development and regeneration. Deterrents do not appear to discourage kittiwakes from nesting within the urban area, rather they simply cause the kittiwakes to nest on adjacent buildings and structures. In this way, a perceived problem is not resolved; it is shifted. This is not a sustainable approach for the people of Newcastle or the kittiwakes. Newcastle City Council will be working with stakeholders, including relevant organisations, business representatives and local people to investigate alternative sympathetic solutions.

2.1. Conservation status:

Whilst the Tyne kittiwakes appear to be doing well, kittiwake numbers are falling across the UK with some colonies experiencing catastrophic declines. This has led to kittiwakes being classed as [red listed](#), vulnerable species. These declines are thought to be related to climate change and fishing that does not set aside enough food for sealife.

3. The use of Deterrents to Prevent Kittiwakes from Nesting

Deterrents are intended to discourage and prevent kittiwakes from landing either by forming a physical barrier between the bird and the target site, or by making the ledge unpleasant to the birds.

3.1. Types of deterrent



There are different types of deterrent, each with its own requirements and considerations which are summarised in the table below. As previously mentioned, this document does not encourage or object to the use of deterrents or show bias towards any particular type. The intention is to highlight some of the options available and raise important considerations relating to the safety of kittiwakes. Those seeking to install deterrents should seek advice from a specialist contractor to find out what is suitable for their particular property, which will be influenced by structure and pressures.

Important note:

The installation of deterrents may require Planning Permission and/or Listed Building Consent.

Many of the buildings that kittiwakes currently use for nesting or may use for nesting in the future are listed or within the Central Conservation Area. Carrying out unauthorised works to a listed building is a criminal offence and it is recommended that advice on whether proposed works would require Planning Permission and/or Listed Building Consent is sought at the earliest opportunity.

For more information, please contact Newcastle City Council's Conservation team; see section 8 for contact details.

Table 1. The types of deterrent which may be used to prevent and discourage kittiwakes from landing and nesting on buildings and other man-made structures:

Deterrent Type	What is it?	Considerations
Netting	A mesh of netting installed on buildings and structures to create a physical barrier between birds and where they might land/nest.	<ul style="list-style-type: none"> • Must be installed correctly by a suitably experienced contractor. • Larger gauge mesh sizes of netting are less susceptible to wind loading and less visible, but it needs to be appropriate for the species of bird concerned. • Requires regular inspections and maintenance. • Can be run down the length of buildings or used over ledges.

		<ul style="list-style-type: none"> Limited effectiveness on narrow ledges when too slack – this is influenced by the size of the ledge and where the net is hung from. Kittiwakes can become caught in or behind unfit netting which can lead to injury and fatalities. Netting should not be installed unless maintenance, safety checks and releases can be undertaken.
Avishock	Low voltage electric deterrent which delivers a harmless but disconcerting electric pulse. This modifies the birds' behaviour by stimulus rather than by installing a physical barrier.	<ul style="list-style-type: none"> Visually less intrusive. Low maintenance Should the system fail, it will simply shut down. Must adequately cover the target ledge to prevent birds landing. Avishock is legal way to prevent birds nesting. All available evidence suggests the product is not harmful to kittiwakes or any other birds.
Spikes	Rows of upward pointing spikes which act as a physical barrier. Usually installed along a potential nesting area.	<ul style="list-style-type: none"> Visually intrusive. Kittiwakes can easily build up nests on/around the top of spikes. Kittiwake adults and chicks and adults can become injured by these deterrents.
Bird Gel/ Fire Gel	To a bird the harmless (and invisible to the human eye) Ultra Violet (UV) light projecting from the non-toxic Gel is seen as a flame and hence a hazard to avoid.	<ul style="list-style-type: none"> Non-intrusive and easy to install, Effectiveness may depend on the type of gel used, environmental conditions and the bird pressure on the intended structure. Must adequately cover the target ledge to prevent birds landing. May require regular replacement. Unknown how effective this is in deterring kittiwakes.
Audio Deterrents	A system which plays bird distress and predator calls.	<ul style="list-style-type: none"> Not considered to be effective for kittiwakes. Only effective whilst played, birds may habituate.
Live Falconry	Hawks and falcons are flown	<ul style="list-style-type: none"> Kittiwakes will naturally nest within the vicinity of some raptors.

	to provide a live visual deterrent to scare birds in the area.	<ul style="list-style-type: none"> • Only effective whilst raptors are present, birds may habituate. • Area of impact uncertain. • May have implications for local raptor populations. • Raptors cannot be flown in unsuitable weather.
Fake raptors	Model birds of prey installed on buildings.	<ul style="list-style-type: none"> • Do not appear to deter kittiwakes.

Important note:

Contractors installing and maintaining kittiwake deterrents should have a thorough understanding of the relevant legislation, the target species and any special considerations – please check before proceeding.

3.2. Are deterrents a threat to wildlife?

Correctly installed, well maintained deterrents that are suitable for their location, structure, pressures and target species, should not become a threat to wildlife. However, when deterrents are not fit for purpose, they can pose a risk to wildlife including kittiwakes.

If kittiwakes are accessing areas where deterrents are present, it is a clear sign that they are not effective or fit for purpose. In the case of spikes and netting, this is apparent when kittiwakes land on or build up nests on top of these deterrents. These deterrents are not achieving their intended outcome and, particularly in the case of netting, can become dangerous to kittiwakes. For example, the close proximity of kittiwakes to loose or damaged netting means that there is an increased risk of entanglement and being caught. Kittiwakes nesting on top of or adjacent to spikes may become injured on their points.

4. Legal Protection and Property Owner Obligations

4.1. Deterrents and the Law

Laws exist to protect all wild birds, including kittiwakes. The Wildlife and Countryside Act 1981 (as amended) protects adult kittiwakes, their active nests, eggs and chicks. For example, it is illegal to remove or destroy eggs or a nest that is in use and kill adult birds or chicks. The use of deterrents is legal provided that they are installed outside the breeding season. Kittiwakes start returning in February – works should have taken place before their arrival. Once kittiwakes have started to nest, it is too late to install deterrents and no action can be taken until they have departed (kittiwakes leave during August).

4.2. Responsibilities and Obligations Associated with Deterrents

Kittiwakes can become tangled in and caught behind netting installed as a deterrent. This in itself is not a criminal offence because the net was intended to deter the birds, not capture them. However, property owners have a responsibility to ensure the safety of their netting and should:

- Ensure netting is routinely checked and adequately maintained.
- Any unsafe netting should be removed outside the breeding season; between September and February.
- Monitor the building/structure at the start of the breeding season (February and March) to see if kittiwakes are landing – if kittiwakes are observed on areas where deterrents are installed, particularly sections of netting, additional steps detailed below should be followed to ensure the safety of these birds throughout the breeding season.

When a deterrent is known to trap or injure kittiwakes, the property owner must act once all birds on the structure have departed, to remove or make safe dangerous bird deterrents by the following February. Failure to do so is effectively leaving a trap in place.

4.3. Listed Buildings and Conservation Areas

A listed building is a building, object or structure that has been judged to be of national importance in terms of architectural or historic interest. Any works that are likely to affect the character of the building requires listed building consent. Failure to gain consent is a criminal offence under the Listed Building and Conservation Areas Act 1990.

Consultation with [Newcastle's Historic Environment Officers](#) is recommended before any works.

5. Recommendations for the Safe use of Deterrents

The decision to install deterrents should not be taken lightly; deterrents can be costly to install, requiring continued inspections and maintenance. In addition, there are implications for the continued shifting of the kittiwake population. The following considerations should be taken into account:

- Only install deterrents outside the breeding season – from September and by February at the latest.
- Use a specialist contractor.
- Make sure the chosen deterrent will be effective and safe on the property in question.
- Ensure that a thorough maintenance programme can be carried out before installation takes place.
- Should the capture of kittiwakes, or other wildlife, be a risk (i.e. as with netting), develop a thorough check and rescue protocol programme before installation.

Important notes:

- When considering installation, maintenance and rescue protocols, remember that netting is often installed at high up, hard to reach locations which will likely require a cherry picker to access. Depending on the location, type of work and timings, this may require a full or partial road closure.
- The absence of kittiwakes from netting is not sufficient to determine the safety and effectiveness of the deterrent; kittiwakes may simply be choosing to nest elsewhere. All netting should be installed by specialist contractors and subject to thorough, regular checks and maintenance.
- The timing of netting checks is important to ensure that they are safe for the kittiwakes returning in February. Checks may be required both after the breeding season and before the birds return. For example, a netting in good condition in September, could be affected by winter weather and need repairs in January. It may also be necessary to

consider the time required to obtain licences and road closures, to enable work to be undertaken.

5.1. Best Practice for Netting once Installed

Ensuring that netting is suitable for the location, pressure and is adequately maintained are important ways to prevent the need for rescues, however it is best practice to have in place a protocol to ensure the swift and safe release of trapped kittiwakes should this occur. Such a protocol need not be onerous and should include the following considerations:

- Identification of named individuals to carry out regular checks of deterrents for signs of disrepair (e.g. sagging, holes).
- Identify locations from which a good view of the netting can be obtained from where regular checks should be made – this may necessitate the use of higher vantage points (e.g. Tyne Bridge).
- Signs/information for the public and rescue service detailing a 24 hour contact number should there be an incident.
- A contractor in place to operate a swift and safe rescue. Key considerations include:
 - Identifying access routes
 - The type of vehicle required
 - Knowing where rescued birds should be taken (if it is not possible to leave them on site)
 - Training for contractors in the safe handling of birds (this may be available from the BTO or the RSPCA).
 - Understand the process required to close roads if this would be required (see Newcastle's [Quayside Traffic Management protocol](#)).
- Providing details on incidents and rescues promptly to Newcastle City Council.

These measures should be considered by anyone with netting or considering the use of netting. If it is not possible to implement these recommendations, the use of netting may be called into question and may result in incidents.

5.2. What to do when Kittiwakes Land and Build Nests on Netting

If kittiwakes are able to nest on netting, it is a clear sign that it is not fit for purpose and action should be taken:

- Regular checks for tangled and accidentally caught birds should be implemented throughout the breeding season.
- Users of the building made aware of the risk to the kittiwakes and what action to take should they see one tangled or caught. This includes developing your own protocol for your property and ensuring all those relevant have the correct details to contact should this occur (see section 5.4).
- Netting replaced or made safe outside the breeding season - considering alternatives may be worthwhile (see table 1).

5.3. What if Deterrents Become Damaged During the Breeding Season?



Whilst kittiwakes are nesting, activity around ledges will cause disturbance. If there is a problem with netting, it may be possible to undertake temporary fixes depending on the location of the problem and proximity to nesting birds. It is not advisable to undertake activity that will cause the movement of any netting upon which nests have been built.

If a deterrent is known to have a problem which requires activity or maintenance on areas used by nesting kittiwakes, this should wait until after the breeding season. If in doubt, please seek advice.

5.4. Kittiwake Rescues

When kittiwakes become caught in or behind netting, a swift rescue is required, as time is of the essence, at the same time a temporary repair to prevent further entanglement of birds should be carried out. It is best practice to consider this scenario before installing netting to ensure effective and prompt action.

Should a property owner be unable to take action, the RSPCA, as the lead wildlife rescue charity, will not leave an animal in danger. However, it is important to note that the RSPCA is a charity and will likely require support from the fire service to reach the caught bird. Undertaking such work is costly for the fire service and can only take place when they are not required for emergency situations. Property owners should not rely on the RSPCA and the fire service to undertake rescues; thorough consideration of wildlife rescues should be part of the process of installing netting. If these criteria cannot be met, netting should not be installed.

Providing the RSPCA with 24-hour contact details for your property will enable them to contact you should they get a report of a caught bird. If you wish to do this, please contact the RSPCA directly and ask to be added to the confidential Newcastle kittiwake list. This information will not be shared with other organisations or parties and will only be used to contact you in the event of a wildlife incident involving your property.

6. Frequently Asked Questions (FAQs)

FAQ's	Answer
<i>When is the breeding season?</i>	Kittiwakes return to the Tyne from February and remain until late August. They spend the rest of the year out at sea.
<i>Where can I get additional advice and support about planning permission and/or Listed Building Consent?</i>	Newcastle City Council can give advice on whether proposals to install deterrents require planning permission and/or Listed Building Consent and can provide a view in principle on the acceptability of proposals through its pre-planning application service. See Section 7 for contacts. Further information on the application process is available on the 'Planning and

	<p>Buildings' section of Newcastle City Council's website.</p> <p>Detailed advice on the different deterrents available and what may be suitable for the needs and constraints of your specific property should be sought from a reputable contractor.</p>
<p><i>How long does it take to obtain planning permission and/or Listed Building Consent?</i></p>	<p>It is important to ensure that planning permission and/or Listed Building Consent to install deterrents is acquired in advance.</p> <p>Applications for planning permission and Listed Building Consent have a target date of 8 weeks.</p>
<p><i>Can I remove netting during the breeding season?</i></p>	<p>Netting can be cut or otherwise opened to allow for the quick and safe release of kittiwakes and temporarily repaired to prevent further entanglement of birds. However, netting should not be removed in full during the breeding season. If kittiwakes are caught in the net it is likely that they are breeding at the site, in which case nests may have been built up on top of the netting. The removal of such netting would also dislodge these nests and associated eggs and chicks which would likely be destroyed and killed. If there is a problem with netting, ensure regular monitoring and remove the netting once the birds have departed.</p>
<p><i>I've seen a kittiwake caught in/behind netting, what should I do?</i></p>	<p>If you see a live animal entangled in or trapped behind netting, please promptly contact the RSPCA's 24-hour cruelty and advice helpline on 0300 1234 999 providing as much information as possible. You can also let Newcastle City Council's Envirocall, know so that we can try to contact the building owners or managers: 0191 278 7878.</p>

7. Useful Links

- [RSPCA's Living with Wildlife](#) – includes guidance on Wild Birds and Netting
- [Tyne Kittiwake Partnership](#)
- [Quayside Traffic Management protocol](#) – provides information of traffic management for bird rescues and bird deterrent works.
- [Newcastle's Planning Guidance](#)

- [Newcastle's Listed Buildings](#)

8. Contacts

- **Emergency Contacts:**
 - RSPCA – 0300 1234 999 – (Rescue of birds)
 - Newcastle City Council – 0191 278 7878 – (Council Buildings)
- **General Information Non-Emergency Contacts:**
 - Conservation (Historic Environment) – Simon Parkin:
simon.parkin@newcastle.gov.uk
 - Ecology – Derek Hilton-Brown, derek.hiltonbrown@newcastle.gov.uk
 - Traffic Management - streetworks@newcastle.gov.uk, Tel: 0191 2115913

