

Environment Directorate

Nesting birds and their protection



Bullfinches (Photo provided by: English Nature)

There are common misunderstandings surrounding the law and nesting birds. It's worth ensuring that you know the law, because the maximum penalty that can be imposed for an offence, in respect of a single bird, nest or egg is a fine of up to £5,000, and/or six months' imprisonment. So, if a nest contains six eggs that could be a fine of up to £35,000.

The bird nesting season is not set in stone, it is the nesting birds that are protected the season dates should be used as a guide for when you are more likely to come across nesting birds. In the nesting season a precautionary approach must be taken and checks for nesting birds must be undertaken prior to work being carried out.

What you can do

- » Do time hedge cutting or tree work outside of the bird nesting season, ideally between October and March. If this is not possible due to urgency of the work, ensure that bird surveys have been carried out before starting any work. If nesting birds are found then work must be delayed until the nest is no longer in use. In exceptional circumstances a licence can be obtained from the Welsh Government to move the nest.
- » If you are planning larger scale hedge cutting: then cutting later in the winter is ideal as it leaves seeds and berries on the hedgerows for birds through the hardest winter months. Or alternatively cut alternate areas of hedge so there is always somewhere with fruits and/or seeds.
- » If you plan on clearing ground of vegetation and it is likely that birds may be nesting, do carry out checks before starting any work.
- » If you suspect a crime against a wild bird you can contact your local police by calling 101. Alternatively, the RSPB have a reporting form that you can fill in online.

Generally speaking most birds tend to nest between March and July however this is dependant on the location of the nest, the weather and the species. Pigeons for example will nest all year and robins have been recorded nesting in December. Many species also have multiple broods, which can extend to August and September.

Many birds nest close to humans; our gardens provide nesting opportunities for a variety of birds, like robins, blackbirds and blue tits and other birds like house sparrows, swallows and house martins will nest on or in buildings. Many birds we think of as common, such as house sparrows and starlings, have seen declines in recent years, so it's important we consider the impact of our actions on birds and understand the laws protecting nesting birds.

All birds, their nests and eggs are protected by law so it is an offence (with some exceptions) to;

- » intentionally kill, injure or take any wild bird
- » intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- » intentionally take or destroy the egg of any wild bird

It would be an intentional act, for example, when you knew there is an active nest in the hedge but you cut the hedge damaging the nest in the process, a nest is considered as being built when a single piece of nest material has been placed by the bird.

There are some rarer birds that have additional protection, they are listed in the Wildlife and Countryside Act and include birds such as, the barn owl, kingfisher, red kite, peregrine and chough.

For these birds it is an offence to;

- » Intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

There are further parts of the law covering possession of eggs, use of traps and offences under the Protection of Birds Act. If you want to find out more about the details of the bird laws you can visit the RSPB website (<http://www.rspb.org.uk/ourwork/policy/wildbirdslaw/birdsandlaw/wca>)