

**OT SHE 007**  
**Cellnex UK Management of Nesting Birds**

**Introduction**

The legal frameworks for the protection of nesting birds, their young and the nest site are covered by different legislation dependent on the country you are operating in, as detailed in table below.

Country	Legal Framework	Maximum fine and Sentence
England and Wales	Wildlife and Countryside Act 1981	Unlimited & <6 Months
Scotland	Wildlife and Countryside Act 1981	£5000 & <6 Months
Northern Ireland	Wildlife (Northern Ireland) Order 1985	£5000 & <6 Months

Although there is some difference in the naming convention of the legislation the framework and guidance are very similar.

It is an offence to:

- kill, injure or take a wild bird.
- take, damage, destroy or interfere with a nest of any wild bird whilst it is in use or being built.
- obstruct or prevent any wild bird from using its nest; or,
- take or destroy an egg of any wild bird
- disturb any wild bird listed on Schedule 1 whilst it is building a nest or is in, on, or near a nest containing eggs or young,
- disturb the dependent young of any wild bird listed on Schedule 1

Schedule 1 birds are rare species and afforded additional protection, which cannot be intentionally or recklessly disturbed when nesting.

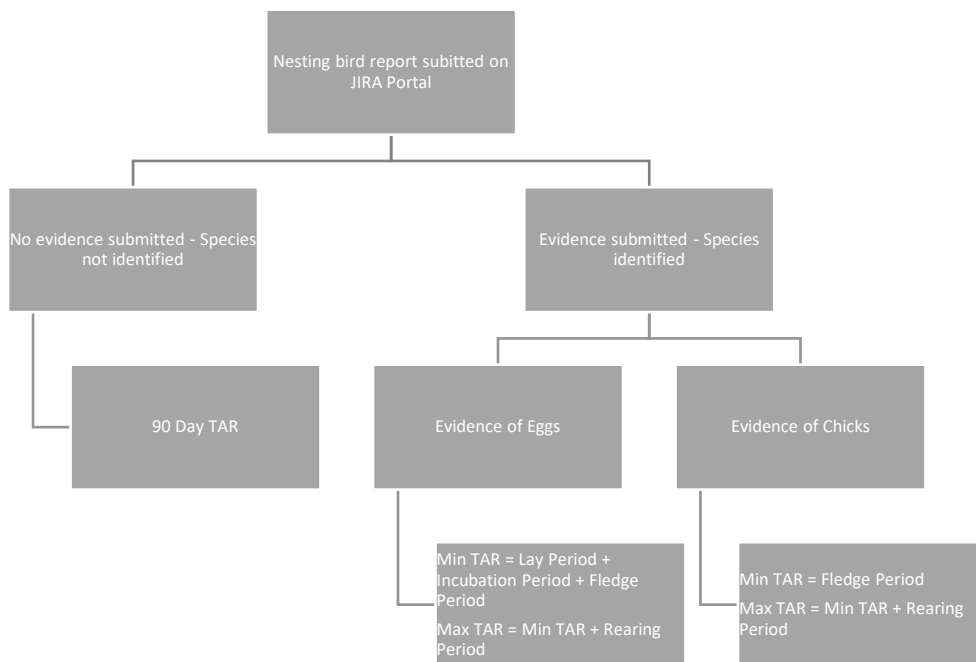
**What are species specific TARs?**

These are calculated TARs that are specific to each species and involve an Min and Max timeframe for a TAR.

- Min TAR is the first date at which the site can be accessed without the need for licenses.
- The Max TAR is at the end of the rearing period and the TAR is can be removed.

Any access between the 2 TAR timeframes is under conditions to watch and observe before starting work in case they are nesting late in the season.

Any report of nesting birds is assessed, and a TAR assigned based on the process below:



### Species Specific TARs

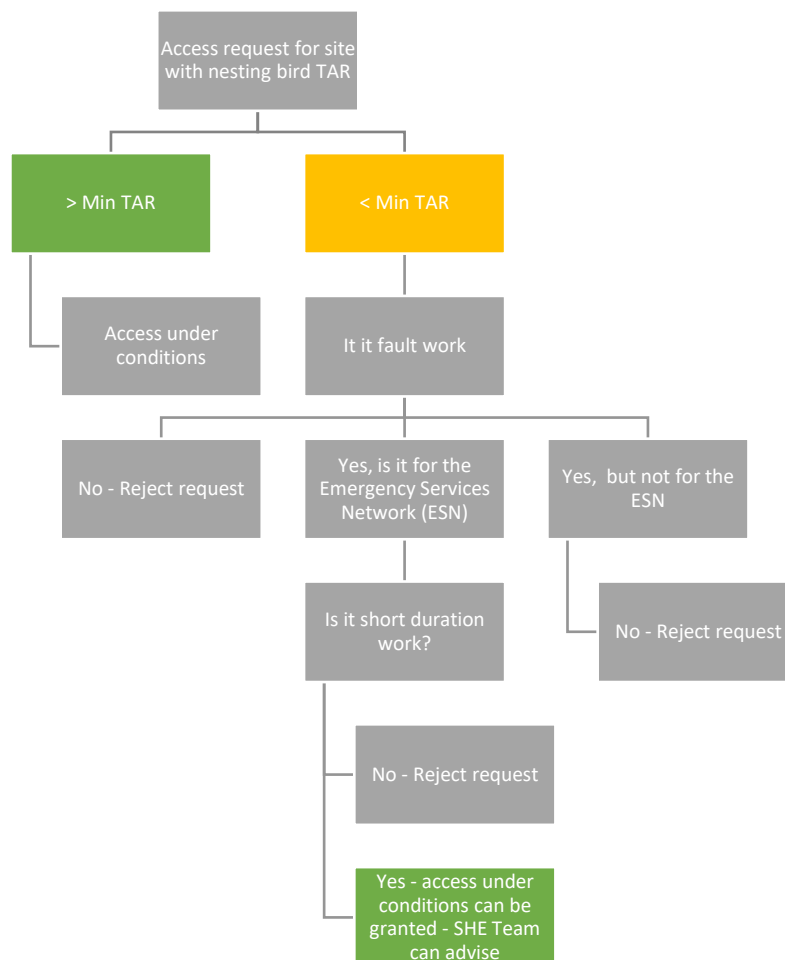
Species	Min TAR	Max TAR
Wood Pigeons	55	73
Crows	56	116
Magpie	61	91
Gulls	82	127
Peregrine Falcons	86	132
Ravens	89	117
Golden Eagles	121	220

This information is gained from reputable sources and the Ornithologist that have been engaged in previous situations

### Can a site be accessed when there is a TAR in place?

Many sites support and carry services for the Emergency Services Network (ESN). Should a nesting bird preclude access to a site where the ESN is operating, a license application to either remove or disturb (dependent on species) would be supported under the rationale of “preserving public health and / or public safety”.

Please note that neither a general or disturbance license could be utilised for works on any customer or internal network that wasn't ESN irrespective of fault type.



This is a strict criteria for any access that is under/before the Min TAR, no request will be approved by the SHE Team for access 'under' the Min TAR that does not meet the criteria.

### Why short duration?

Parents spend a maximum of 30-40 mins away from a nest, therefore to not disturb the nest short duration works must be below this timeframe.

### Removing a TARs

The following conditions must be met for a TAR to be removed:

- **Evidence** of 'non-occupation' (Min 1 hour with evidence) from an 'Access under restrictions' visit or other approved access from the SHE Team.

## Removing a nest

The following guidelines are to be followed before a nest can be removed:

- **Approval**  
Only the Cellnex On Tower UK SHE can permit this activity on sites that are under their control.
- **Wait for the End of Nesting Season**  
The best time to remove or relocate a nest is after nesting season is over and not when a TAR is in force.
- **Check for Activity**  
Always make sure a nest is inactive before removing or relocating it. Never attempt to remove or relocate a nest if there are birds or eggs present. It is best to wait until after nesting season and not when a TAR is in force for any removal or relocation.
- **Wait**  
Carefully inspect the nest to make sure it is empty of eggs and birds. Remove the nest and dispose of it in a securely sealed container or tied rubbish bag. Dispose of it safely and correctly. Remember to use gloves and your hands thoroughly.

## Line of Sight operations impact

There may be situations where a TAR is not the primary reminder for caution relating to nesting birds. Where line of sight activities require hedge cutting/trimming the Wildlife and Countryside Act 1981 is still in force and the act must be complied with, following this document regardless of the TAR is best practice to comply with the act.

## Performing site checks

It is not best practice to 'Go and have a check in case they have fledged'. While it may appear to be a common-sense approach to gain understanding, if the act of checking disturbs the birds then a breach of law has occurred. Checking must be 'Standoff' or remote to determine a change in activity/status.

### Summary Table

Type of Bird	Example	Protection Afforded	What Can I Do	License type
Schedule 1	Peregrine Falcon Osprey Herring Gull	No disturbance to nest/young or preventing the use of the nest sites	Can do short duration work when adult away from nest  Work on faults on ESN network affecting public safety	Disturbance license - managed by the SHE Team. 28 Days' notice for license application.
Pests	Crow Jackdaw Wood Pigeon Magpie	Not allowed to obstruct the use of the nest site during the nesting season.	Can do short duration work when adult away from nest  Work on faults on ESN network affecting public safety	General license available to us without going to the statutory body for removal.  For disturbance and removal, SHE team determine if this is possible and the control measures that must be implemented.
Everything else	All other birds	Not allowed to obstruct the use of the nest site during the nesting season	Can do short duration work when adult away from nest  Work on faults on ESN network affecting public safety	For disturbance and removal, SHE team determine if this is possible and the control measures that must be implemented.

*The information in this document does not absolve contractors or suppliers from their responsibility to identify and comply with all relevant legislation, regulations and legal standards nor does it take precedence over laws, regulations and external standards*

## OT SHE 007 Appendix 1 Access under Conditions for Nesting Birds

### **Purpose**

Access under conditions is the term used when allowing access to a site with a nesting bird TAR in place to give those persons permitted advice in case they do encounter nesting birds.

### **Scope**

Accessing a nesting bird site under conditions is used when there is a TAR still in place, but it is between the Min TAR and Max TAR so there is potential of encounter nesting birds.

### **On site pre-start confirmation**

Observe the structure for 60 mins, identify the nest location. Confirm nest is not on climbing route or at Point of Work (POW).

### **Action on discovering nest on access/egress route**

If presence is obvious, then abort

If you disturb the birds, abort

If eggs identified in nest and are intact, abort.

Report via PWR (supply photos and update site plan as to location)

### **Action on disturbing/under aerial attack on access/egress route**

Abort

Report via PWR (supply photos if safe to do so and update site plan as to location)

If no evidence on route go to POW, at any time on the remaining route or when you arrive at POW apply the following principals:

### **Action on discovering nest at Point of Work**

If occupied (With eggs or chicks), abort

If you disturb the birds (at the nest or in the nearby area), then abort

Report via PWR (supply photos and update site plan as to location)

### **Action on disturbing/under aerial attack at Point of Work**

Abort

Report via PWR (supply photos update structure plan as to location)

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## OT SHE 007 Appendix 2 Evidence guidance regarding Nesting Birds

### 1. Introduction

This guidance outlines why and what evidence is required before a Nesting Bird TAR can be removed.

### 2. What needs to be evidenced?

The viewer of the evidence needs to understand what the picture is telling them, evidence of clear skies above the site, no evidence of birds on cabinets, towers or other cellular equipment or the building. An empty nest on its own is not enough, unless the nest is clearly destroyed/old.

### 3. Have a look and just check

If we were to issue a permit to go and check and the nest was still active, or the chicks were present having not fledged any disturbance will constitute a material breach of statute law; and Cellnex UK would have permitted the offence, and the party on site would have caused the breach, which no-one wishes.

### 4. Alternate methods

Any other means to check/prove without disturbance is permitted, this maybe a ground observation at the site or outside the site in a car park if it was a structure. From a nearby rooftop/multi storey car park that overlooks the site, from the building itself as the occupants may be able to observe the nest or even CCTV cameras.

### 5. Evidence required

Cellnex UK policy is that the observation must be continued for 1 hour with evidence (Film/photo) as word of mouth can't be accepted. These requirements existing because birds can be away for 30-40 from the nest and still return during nesting periods.

2-3 photo's over the time can be accepted, beginning middle and end, some customers often send 2-3 minutes of mobile video (1 minute for beginning, then the middle and 1 more minute for the end), all figures are approx.

### 6. How fast can we get approval after evidence?

If you get the evidence to the Site Access team, they will contact the SHE Team, access can be approved within hours and a permit can be approved for the same morning/afternoon with the team that is on location.

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