

Bird Scarers

Also known as “bangers”, these are devices that farmers use to protect certain early crops from the unwanted attention of birds. Although considered to be an essential aid to deterring bird, if used inconsiderately the noise can be seriously annoying and could be a statutory noise nuisance.

There are many types of scarer. However, it is usually the propane gas gun that draws criticism from those living close to fields where they are situated. The National Farmers Union (NFU) <http://www.nfu.org.uk/> has issued advice to farmers using these devices, to try and avoid causing nuisance. This advice includes:

- Not using the scarer on Sundays
- Only using the scarer between sunrise (or 6.00am if sun rises earlier) and sunset
- Not firing the machine more than 4 times in an hour. If shorter, birds can get used to the sound. Some machines fire three reports in a cycle, this is counted as one “bang”
- Liaison with other neighbouring farmers to try and avoid an overlap of machines in one area
- Positioning of the device for effectiveness and methods of screening

If a complaint is received regarding noise from a bird scarer, the Environmental Services Team will try and identify the land upon which it is situated and trace the owner. The time taken in dealing with such a complaint will be reduced if these details are known when the problem is reported. In past complaint investigations it is generally been found that the timer on the scarer has malfunctioned, causing excessive numbers of explosions. The farmer can easily and quickly rectify these faults.

Noise from Bird Scarers may be assessed as a statutory nuisance under Section 79 (c & d) of the Environmental Protection Act 1990 if the farmer is not complying to the Code of Practice and the noise is allowed for a prolonged period of time under Section 79 of the Environmental Protection Act 1990, (as amended), Councils have powers to deal with certain nuisances (these are deemed to be Statutory nuisances). However, for the Council to be able to act, the nuisance must be coming from private land or property. These powers apply not only to control existing nuisance, but also where nuisance is expected to occur or recur.

SO WHAT CONSTITUTES A STATUTORY NUISANCE?

This cannot be easily defined, but is often described as an unreasonable interference with the enjoyment of your property. It must occur regularly and must continue for a time that makes it unreasonable.



