

Environmental Protection

A guide to keeping poultry and the law



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It is a fact of life that we all make noise whether we are talking to others, playing music or driving our cars. However, some types of noise, particularly if they occur regularly or at unsocial hours, can affect our quality of life. Complaints about the noise from cockerels crowing or nuisance linked to the keeping of poultry are on the increase, particularly where they are being kept in residential and built up areas rather than in the more traditional countryside locations. Keeping poultry in an urban environment is more likely to lead to complaints of nuisance because of the proximity of neighbours.



Do you need permission to keep poultry?

Many properties have covenants to prevent the keeping of poultry and other livestock. For rented property it's best to check with the landlord.

Chicken coops and runs, depending on size, may require planning permission. SLDC's planning service can help at development.control@southlakeland.gov.uk or by telephone 0845 050 4434.

Can a cockerel be a noise nuisance?

All cockerel owners must make sure that crowing doesn't cause a statutory noise nuisance.

It's good to remember that cockerels aren't needed for hens to lay eggs.

If SLDC receives a complaint about noise we are obliged by law to investigate it. This may include:

- Asking the person complaining to write down all times that they are being disturbed.
- Environmental Health Officers visiting sites to hear the disturbance.

- Using noise recording equipment to gather evidence.

In deciding whether the noise is a statutory nuisance, some of the things the council will look at include:

- (1) **The nature of the area** - cockerels have been part of the English countryside for generations and to some extent form part of country life. This doesn't stop them being considered a nuisance but an odd cockerel crowing in an isolated rural location is less likely to be considered a nuisance than cockerels kept in built up residential areas such as towns and villages.
- (2) **The time of day** – it's more likely that the noise will be classed as a nuisance if the cockerel crows at unsocial hours, such as early in the morning or late into the evening.
- (3) **The duration of the crowing** – if the cockerel crows for long periods this is likely to be more of a nuisance.

If the council believes the noise is a statutory nuisance under the Environmental Protection Act

1990 an abatement notice will be served to stop the noise. If the notice isn't complied with the owner or person responsible for the cockerels could face a fine of up to £5,000 for domestic premises or £20,000 for commercial/industrial premises.



How to keep crowing to a minimum

There are three main ways to limit the amount of crowing from a cockerel:

- (1) **Location** – it's important to make sure that runs or coops are located as far as possible from any neighbouring residential properties.
- (2) **Competition** – where there's more than one cockerel, or others are kept in the immediate area this is likely to lead to cockerels competing with each other. This can increase the amount of crowing considerably meaning the noise can become a nuisance to neighbours.



- (3) **Housing** – keep cockerels in a coop at night. Keeping birds in a coop can limit the early morning crowing. Coops should be kept as dark as possible as light can cause crowing. Cockerels should not be let out of the darkened coop until a reasonable hour (not before 7.30am during the week and 8.30am at the weekend).

Other issues around keeping poultry

Cleanliness

Food and water left out for poultry might attract vermin such as rats and mice. Poultry houses may also provide shelter for vermin. By law everyone has a duty to keep their property free from rats and mice. To prevent vermin from becoming a problem shelters should be cleaned regularly and uneaten food removed at the end of each day.

In the summer poorly kept poultry can smell and Environmental Health Officers have powers to take action against this form of odour nuisance.



Security

Every effort should be taken to ensure cockerels are not allowed to stray beyond the boundary of their land. By law, owners of 50 or more birds need to register with the Department for Environment, Food and Rural Affairs (DEFRA). This also applies if the birds are only there for part of the year. At present, people with less than 50 birds don't have to register but DEFRA encourages owners to register voluntarily at www.defra.gov.uk

Welfare

Under The Animal Welfare Act 2006 it is against the law to be cruel to an animal. Owners must ensure that the welfare needs of their poultry are met. These include the need;

- For a suitable environment (place to live).
- For a suitable diet.
- To exhibit normal behaviour patterns.
- To be housed with, or apart from, other animals (if applicable).
- To be protected from pain, injury, suffering and disease.

Anyone who is cruel to an animal, or does not provide for its welfare needs, may be banned from owning animals, fined up to £20,000 and/or sent to prison.





Sale of eggs

Anyone selling eggs to friends, over the garden gate or on a market stall is required by law to register as a food business. For information or to register contact SLDC's Food Safety Team on 0845 050 4434. Planning permission might also be needed for a change of use to the property.

Disease

Poultry are susceptible to many diseases and need regular checks. One such disease is avian influenza which is a highly contagious viral disease affecting the respiratory, digestive and/or nervous system of many species of birds. It is a notifiable disease which means the North West Animal Health Regional Office must be told of suspect cases.

More information

There are many other issues relating to the keeping of poultry particularly in terms of animal welfare – DEFRA provide welfare codes for poultry at www.defra.gov.uk

To contact SLDC's Environmental Health Officers please telephone 0845 050 4434.

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If you would like a copy of this document in another format such as large print, Braille, audio or in a different language, please call **0845 050 4434** or email **customer.services@southlakeland.gov.uk**



For further information please contact:

Defra at www.defra.gov.uk

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