The keeping of pigeons by members of the public is normally a domestic activity associated with the use of the family home and is generally carried out as a hobby. The question as to whether it would be preferable to have the use redefined as an ‘agricultural activity’ needs reconsideration. The term ‘livestock’ generally means domesticated animals that are raised in an agricultural setting to produce commodities destined for the food chain. Animals become domesticated for many other species, are controlled by humans eg sheep, cattle, pigs etc. Equine-related animals are specifically excluded as they are normally associated with sporting activity. Pigeons become domesticated when they become dependent on the fancier for their housing and feeding.

Goats and sheep were first domesticated over 8,000 years ago in Asia and China; dogs some 15,000 years ago. The domestication of pigeons started after the First World War, the birds then having been used as messengers. Prior to the early 1900s pigeons would have been kept for food in country houses – the term ‘columbarium’ is associated with the large, often stone-built structures in the grounds of large country estates where pigeons were bred for the table.

The term livestock is nebulous and may be defined narrowly or broadly. The broader meaning is that domesticated animals are kept and housed by their owners for a normal commercial use, eg the farmer with his milking herd, or shepherd caring for his flock of sheep. Both would have the use of buildings for housing and feeding. One of the tests applied to the term ‘an agricultural use’ is that the end product, whether fowl, meat or milk products ultimately ends up on the table! The same cannot now be considered with the keeping and racing of pigeons. This is much to the detriment of the fancier when considering Planning Law.

Animal Welfare. The raising of livestock raises the issues of the relationship between the owner and his stock. Consider the relationship between dog or cat owner and their pet. There are methods of protection afforded to livestock owners which do not appear to apply to the racing pigeon fancier. I am, of course, referring to the impact that Birds of Prey (BOP) have on livestock and the fancier. In the UK it is now acknowledged that there are likely to be in excess of 60,000 pairs (!) of sparrowhawks. On this basis there are twice as many sparrowhawks as there are fanciers. For example, in The Netherlands it has now been established that there are between 0.5 and 0.2 pairs of sparrowhawks in each 100km² of land. In the UK it has been estimated that numbers will be less than this but still a very substantial threat.

Poultry farming. The term ‘poultry’ is well known to cover the rearing of hens which are normally destined for the food chain. In the UK alone there are more than 50 million chickens raised annually to supply both food and eggs for human consumption. The UK also consumes some 29 million eggs every day.

Central to the rearing of ‘livestock’ is the control of animal welfare, eg the requirement by Defra to eliminate E. coli, paramyxovirus, avian flu and Newcastle disease. Rules are also in place covering housing, transportation and the overcrowding of stock. It has been estimated that there are in excess of 16 billion chickens in the world, the majority in China and the US. Fanciers will also be aware of the recent rules covering minimum cage sizes for the rearing of laying hens.

Government Legislation and EC Directives. There are various directives and Acts of Parliament aimed at protection of ‘livestock’ but no protection whatsoever for the pigeon fancier, whose pigeons are subject of predation by peregrine, sparrowhawk or goshawk. Various Acts/EC Directives need to be referred to, in particular the following: The 1981 Wildlife & Countryside Act which replaced the earlier 1954 Protection of Birds Act and the 1975 Conservation of Wild Creatures and Wild Plants Act. There have been various amendments since, covering Wales and Scotland, so that over the EU as a whole protection is afforded to birds both large and small. Schedule 1 of the Act provides for special penalties for disturbing birds or their nests or for interfering with the nesting habitat.

The EC Directive 2008/158/EC includes provisions for ‘animal health conditions, governing intra-community trade-in, and imports from third countries of poultry and hatching eggs’. It was this Directive which was considered at a Planning Appeal held for a fancier in Guernsey last year. The Directive includes a definition under Article (2) which defines the term poultry: Poultry means ‘fowl, turkeys, guineafowl, ducks, geese, quail, pigeons, pheasants, partridges and ratites reared or kept in captivity for breeding, the production of meat or eggs for consumption or for re-stocking supplies of game’. One important part of the Directive (2) says: ‘This Directive shall not apply to poultry for exhibitions or contests’. This could be taken to infer that if pigeons are reared for the table they would come under the definition of ‘livestock’. My view has always been that the keeping of pigeons needs to be reclassified so as to come under the term ‘agricultural activity’.

Birds of Prey (BOP). Scottish fanciers have earlier this year sought to obtain some protection from continued hawk attacks on racing pigeons. The Scottish SNFA has launched a campaign for a change in the law so that hawks and peregrine numbers can be controlled by culling where there is evidence to show racing pigeon stock are at risk. However, the campaign appears to have been dismissed by Defra and/or RSPB as ‘Wishful Wild Britain’ contains the following statement: ‘We work on the basis of sound evidence. This is why we want to find out the true extent of buzzards preying on young pheasants and how best to discourage birds that may cause damage to legitimate businesses. This would be only in selected areas where there is a clear problem, using non-lethal methods including increasing protective cover for young pheasants with vegetation, diversionary feeding of buzzards, moving the birds elsewhere or destroying empty nests. The results of this scientific research will help guide our policy on this issue in the future.’

Conclusions. If the keeping of pigeons can be reclassified away from the ‘domestic’ classification now widely adopted by Planning Authorities, this would have significant benefit for the fancier. Agricultural activities have the benefit of an Agricultural Notification procedure where a farmer can notify his Planning Authority that he will erect a building after 28 days unless objections are raised by the Authority. Such a simplified procedure would allow lofts to be built outside the curtilage of a residential property, providing they did not have any adverse effect on amenity – in particular, in areas of outstanding natural beauty.

I accept that this reclassification would only perhaps be appropriate where lofts are of a very substantial size, or where multiple or specially built lofts are erected by, for example, a breeding station or stud. The other more relevant issue is that until definitions are changed I see little hope that the fancy will be able to show an economic or financial loss, which most certainly will be need to be proven if ever licences to cull raptors are given. From evidence so far seen, I consider the likelihood of raptor control will still be beyond the reach of the normal fancier.

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