Written evidence from RSPB (GRO0304)

Executive Summary

1. Driven grouse shooting is a form of sports shooting reliant on increasingly intensive management to produce un-naturally high densities of grouse. It is uniquely intensive and unregulated.

2. Grouse moor management has been linked to wildlife crime targeted at birds of prey and there is growing evidence of the impact of inappropriate management on protected habitats, particularly the burning of internationally important peatland habitats, leading to wider societal costs including effects on water quality and flood risk.

3. Voluntary approaches have failed to deliver necessary compliance with environmental regulations and the existing situation will not improve without regulatory intervention. Public confidence could be improved by changes to the law to introduce a robust system of licensing, supported by a statutory code of practice and effective deterrent sanctions, including licence restriction and revocation, and the introduction of an offence of vicarious liability which ensures land owners and managers take responsibility for the training and monitoring of their staff.

Introduction

4. The RSPB is the largest wildlife conservation charity in Europe with over one million members and benefiting from the support of over 13,000 volunteers. We manage over 200 nature reserves extending to over 150,000 hectares, a majority of which is upland.

5. Our stance is neutral on shooting sports, except where these impact on our Charitable Objects (concerning conservation of wild birds, other wildlife and the environment; protection, restoration and recreation of natural habitats; and the advancement of education in conservation of the natural environment).

Question: What effect does grouse shooting have on wildlife and the environment?

Environmental impacts of management

6. The RSPB is responding to this Inquiry because we are concerned by the impact of increasingly intensive and sometimes illegal grouse moor management on upland wildlife and the upland environment (for a summary of our concerns, see Thompson et al. 2016).
7. Grouse numbers have increased markedly since the mid 2000s. In 2015, the post-breeding density of grouse was 283 birds/1km$^2$ (England) and 177 birds/1km$^2$ (Scotland), much higher than the 60 birds/1km$^2$ required to support driven shooting$^{3,4}$. The production of high numbers of grouse is achieved through predator control (legal & illegal), vegetation burning (and cutting), grazing and the treatment of grouse disease.

**Predator control**

8. Grouse moor managers legally kill mammalian predators such as foxes, stoats and weasels and some birds under the terms of a General Licence with large numbers killed every year. Gamekeepers must comply with the terms of the General Licence and safe use of traps to avoid killing non-target species.

9. The legal control of predators can increase breeding success and abundance of ground-nesting birds, including lapwing, golden plover, curlew$^{5,6}$, black grouse$^7$ and red grouse.

10. However, grouse moor management has been linked to wildlife crime. A 2013 Strategic Assessment produced by the National Wildlife Crime Unit stated: “Intelligence continues to indicate a strong association between raptor persecution and grouse moor management”$^8$. More widely, 119 of the 172 people (69%) convicted of bird of prey persecution related incidents between 1990-2014 were gamekeepers$^9$. Incidents reported this year included the use of illegal pole traps, suspicious use of a hen harrier decoy in the Peak District and many other reported shootings, poisonings and trapping incidents affecting birds of prey which have been linked to grouse moors. The result is that some species are missing or breed unsuccessfully across parts of their range.

11. A report by the Joint Nature Conservation Committee found sufficient habitat in England to support over 300 breeding pairs of hen harrier$^{10}$. This year only 3 pairs of hen harrier bred successfully in England, none on grouse moors. A previous study found the hen harrier almost totally absent from areas of suitable habitat managed for driven grouse shooting in England and Scotland with only five pairs breeding successfully on an area big enough to support 500 pairs$^{11}$. Hen harriers bred less successfully on Scottish grouse moors (0.8 fledglings/pair) compared with other moors (2.4 fledglings/pair) with female survival on grouse moors about half that of females nesting on other moors$^{12}$.

12. Peregrine falcons bred less successfully on English grouse moors than other habitats, with only one third of pairs on grouse moor territories producing any young, even though clutch and brood sizes of successful nests do not differ between grouse moor and other habitats$^{13}$.

13. The illegal killing of golden eagles and red kites, predominantly in areas managed for driven grouse shooting, has prevented populations achieving favourable condition in Scotland$^{14,15}$. Both species are often victims of poisoning. The illegal use of poisons to kill predators is associated with land actively managed for grouse shooting in Scotland$^{16}$.

14. The RSPB (and others) assist the police and statutory agencies to detect and prosecute wildlife crime$^{17}$. Satellite tags are being deployed to monitor hen harrier and golden eagle movements and survival. In the last five years, satellite tags fitted to eight golden eagles have abruptly stopped transmitting in Scottish areas managed for driven grouse shooting. In recent years a
large number of hen harriers have been fitted with radio and satellite tags by Natural England. The findings of this study have yet to be published. Since 2014, the RSPB has put satellite tags on a number of hen harriers in England and Scotland. So far this year, the tags on four of these birds have suddenly and inexplicably stopped working with the last known transmission coming from areas on or close to grouse moors. It should be noted that the same tags have worked near flawlessly on other harrier species. Untagged hen harriers have also mysteriously disappeared during the breeding season.

15. Protected mammalian predators such as wildcat, badger and pine marten are also regularly killed illegally\(^{18}\).

**Vegetation burning & cutting**

16. The uplands have been grazed by livestock for hundreds of years and systematically burnt for grouse since the mid-1800s and concerns with the practice are long-standing\(^{19}\). Fire is used to create a mosaic of young and old heather. The systematic use of fire on deep peat habitats has increased the cover of dwarf shrubs (e.g. heather) and reduced the cover of peat-forming *Sphagnum* mosses. The impact of burning is exacerbated by drains cut in the 60s and 70s to improve grazing. In places, degraded blanket bog is now managed as if it were dry heath.

17. Evidence indicates that burning is not a suitable means to restore blanket bog, inhibiting or preventing development of blanket bog vegetation\(^{20}\) and the repeated burning of blanket bog is inconsistent with the UK’s international responsibilities to maintain/restore blanket bog to favourable conservation status.

18. The RSPB has mapped areas where managed burning for grouse is undertaken in England, Scotland and Wales. Despite regulation to protect peat habitats, 44% of burnt squares in England and 28% of squares in Scotland occurred on deep peat soils with burning widespread across protected areas\(^{21}\). Only 14% of UK upland peatland sites are in favourable condition\(^{22}\).

19. Burning has increased in England five-fold since the 1940s\(^{23}\) and across England and Scotland at a rate of 11% per annum between 2001 and 2011\(^{24}\).

20. In October 2012, the RSPB submitted a complaint to the European Commission concerning decisions made by Natural England (NE) in March 2012 over the management and protection of the part of the South Pennine Moors owned and managed by the Walshaw Moor Estate (WMEL). Over the last 3 years, the RSPB gathered evidence (from Natural England) to better understand the wider situation in respect of the management of blanket bog on upland Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in England. Despite the priority status of blanket bog, burning is permitted (consented) across 5 SACs (116 consents) and Bowland Fells SPA (5 consents) with burning permitted over a total area of 73,000ha of peatland habitat. It is the RSPB’s view that burning prevents the blanket bog being restored to favourable conservation status. The RSPB considers this to be in breach of Articles 6(2) and 6(3) of the EU Habitats Directive. In April 2016, the European Commission sent a Letter of Formal Notice to the UK Government.

21. Prescribed vegetation burning has important effects on blanket bog, peat, water chemistry and aquatic invertebrates. Following burning, the water table falls and the surface is drier and less suitable for peat-forming plants such as bog mosses\(^{25}\). In one study, it took 10 years for the
water table to recover to the same levels as non-burnt plots\textsuperscript{26}. While some questions remain about the impact of prescribed vegetation burning on carbon stores in peat\textsuperscript{27,28} there is increasing evidence of burning on deep peat resulting in elevated levels of Dissolved Organic Carbon in water\textsuperscript{29,30} and evidence that peak water flows are increased in burnt catchments following the most extreme rainfall events\textsuperscript{31}. In both cases, the remedial costs (water treatment costs and flood costs) are borne by society.

22. Current Defra-funded research underway at York University is looking at the impact of burning and cutting on blanket bog\textsuperscript{32}.

23. The RSPB does not use fire to manage peatland vegetation. At Geltsdale, the RSPB are using cutting to facilitate recovery of degraded blanket bog\textsuperscript{33}.

\textit{Treatment of grouse disease}

24. Red grouse are susceptible to a disease called strongylosis (caused by a nematode) and louping ill virus. Grouse are routinely medicated with an anti-worming drug (flubendazole)\textsuperscript{34} via medicated grit provided from grit stations dispersed across each moor. The RSPB is concerned with the use of veterinary medicines to treat a wild bird and the unknown impact of these drugs on the upland environment and on predators of grouse. The risk of nematodes developing resistance to the drug is high.

25. To reduce the incidence of louping ill (a tick-borne disease that impacts on livestock and grouse) some estates treat sheep with frequent applications of pour-on dips (acaricides) to reduce tick numbers\textsuperscript{35}. More worryingly, some estates, particularly in Scotland, have been killing mountain hares (listed on Annex V of the EC Habitats Directive) and red deer, to reduce the risk of transmission of louping ill virus to grouse. As ticks and louping ill virus persist even when tick hosts occur at very low densities\textsuperscript{36} the case for culling mountain hares is weak\textsuperscript{37}.

**Question:** What role does grouse shooting play in rural life, especially the rural economy?

26. Grouse shooting represents a small sector of the shooting industry and economic claims which apply to the industry as a whole. According to the Moorland Association, grouse shooting directly supports 700 FTE jobs and a further 820 FTE jobs in related services and industries with a total economic impact of £67.7 million. In Scotland, Grouse shooting supported a total of 1,072 full time jobs and £14.5 million (wages) in 2009 with a total contribution of £23.3 million to Scottish GDP\textsuperscript{38}. Despite these claims, driven grouse shooting is apparently often loss making, with management costs in some years exceeding income\textsuperscript{39}.

27. Existing assessments of the economic contributions of grouse shooting lack transparency, including the role of public subsidies which support grouse moor management. Defra have referred to Moorland Association figures which claim the industry spends £52.5 million annually on moorland management\textsuperscript{40}, £47.3 million of which is privately invested\textsuperscript{41}. These claims refer to a 2010 study\textsuperscript{42}, prior to the increase in subsidies paid to moorland owners in 2014\textsuperscript{43}.

28. Reported contributions of public subsidies may be an underestimate. Natural England data supplied to the RSPB\textsuperscript{44} indicated that over a 10 year period more than £105 million of agri-environmental funding supported management systems that carry out burning of blanket bog habitat on grouse moors a Special Area of Conservation or Special Protection Area. Almost all
SSSI units with consent to burn blanket bog in the SACs designated for this habitat in England were consented under Higher Level Stewardship agri-environmental funding agreements. It is our view that any positive measures to restore blanket bog in these agreements will be undermined by the continued burning in these protected areas. It is unclear how much Pillar 1 funding was received by estates employing damaging practices in addition to this sum.

29. Inappropriate burning on deep peat is associated with impacts on water colour and quality. Treatment costs in peat catchments are considerable and passed on to consumers, which can amount to a six figure sum annually to clean water affected by peat for a single drinking water catchment. The costs to downstream communities resulting from inappropriate management of deep peat which exacerbates downstream flows during high rainfall events is unknown but may be significant.

30. The economic contributions of grouse shooting must be more effectively linked to compliance with nature conservation legislation and provision of key ecosystem services, in particular carbon storage and sequestration, water resources, and flood alleviation.

31. This should include ensuring Government decision making which is influenced by economic contributions of grouse shooting is subject to a full impact assessment process, taking into account costs to society, including impacts to climate, biodiversity and water resources. Alternative forms of management and use of public money to provide a wider range of public goods and tourism income should be considered.

32. There are multiple stakeholders in upland management and a range of possible alternatives to intensive grouse moor management. Public money is currently provided to landowners without obligation (as Pillar 1 payments), or has been used to subsidise counterproductive management, in particular inappropriate burning on deep peat. Alternative approaches should be considered that could sustain a wider range of public goods and tourism income, and taking into account costs and benefits to society, including those resulting from impacts to climate, biodiversity, water resources and associated international commitments.

33. Current grouse moor management practices and associated wildlife crime impact on the potential of the uplands to support wildlife tourism. Comparatively, where statistics have been gathered in Scotland, nature-based tourism is worth £1.4 billion and supports 39,000 jobs (sports shooting representing less than 5 percent of these figures). Wildlife initiatives can attract millions in new spending, like the Galloway Kite Trail in Scotland, which has attracted over £50 million in associated tourist spending since opening. In a further case study, white-tailed eagles on Mull attract up to £5 million per year in tourist spending, supporting 110 jobs.

Question: Should the law on grouse shooting be changed? If so, how?

34. Most other developed nations regulate hunting via a system of licensing. The previous system of game licensing in the UK offered few useful powers relevant to the policing of modern wildlife crime priorities and the RSPB advocated its replacement with a compulsory licensing system for all game shoots, prior to its revocation in 2007. A current example of a licensing system in the UK is the Environment Agency Rod Licensing scheme.
35. Voluntary schemes are an ineffective means to tackle serious environmental challenges. For driven grouse shooting, evidence of ongoing wildlife crime and inappropriate management of protected areas calls into question the sustainability and legitimacy of the industry in its intensive form, demonstrating that voluntary schemes have failed to deliver necessary improvements in compliance.

36. The RSPB recommends changes to the law which we consider to be a necessary and proportionate response to the evidence of damaging practices and failure of the industry to demonstrate voluntary compliance with environmental obligations. Changes should include the introduction of a compulsory licensing system for game shoots with the capacity to restrict or revoke licences and an offence of vicarious liability for wildlife crime.

37. Appropriate regulation which applies to grouse shooting would improve delivery of environmental outcomes in return for public investment and provide a fairer commercial environment for shoots which are operating lawfully, in addition to supporting other rural industry in the uplands which can deliver on commitments to sustainability, such as wildlife tourism.

38. Introducing a compulsory system of licensing underpinned by effective, deterrent penalties is a necessary step to improve the environmental performance of grouse shooting and to provide an effective deterrent to non-compliance with legal obligations via licence suspension or revocation.

39. A new criminal offence will be required to implement a licensing system prohibiting unlicensed hunting, or non-compliance with licence conditions. This would have to include liability for directing organisations or persons.

40. Licensing of grouse shooting should be administered, monitored and enforced by the statutory nature conservation agency, with the support of police forces. An online system would reduce the administrative burden involved and facilitate database collection. Targeted enforcement and seasonal spot checks could help to ensure high levels of compliance with licence conditions and an accompanying statutory code of practice and the introduction of enforceable powers backed up by effective, deterrent penalties would help to contribute to their use. This should be supported by investment in improving the capacity of enforcing authorities to enforce environmental legislation on grouse moors.

41. Obligations to deliver conservation outcomes on grouse moors which are in receipt of public subsidies are not being met, in particular where inappropriate burning is preventing recovery of blanket bog habitats and wildlife crime is preventing recovery for bird of prey populations.

42. Licensing should be accompanied by a statutory code of practice which sets out responsibilities for shoot management, including a compulsory and transparent approach to management planning, reporting requirements and operating procedures which ensure obligations for the management of protected sites and species are met.
43. Application of Cross Compliance penalties where wildlife crimes occur has been sporadic, limiting their deterrent effect and should be used in addition to and not as a substitute for effective criminal sanctions.

44. Ensuring that penalties offer an effective, deterrent should also include introduction of an offence of vicarious liability for landowners where wildlife crimes take place. This should mirror the provision in Scotland, with a requirement to take due diligence measures to ensure estate staff operate lawfully. As with any other industry and other aspects of employment and environmental law, the grouse shooting industry have a duty to ensure their staff are fully trained and capable of operating within the law.

45. The House of Commons Environmental Audit Committee’s 2012 report recommended introducing an offence of vicarious liability for wildlife crime as a necessary deterrent to wildlife crime directed at birds of prey. The Chair of the Committee, Joan Walley MP, recommended the importance of monitoring the deterrent effect of vicarious liability in Scotland. In her letter to the RSPB of 21 August 2014, the Secretary of State for the Environment, Elizabeth Truss MP, indicated that Government were continuing to monitor the impact in Scotland and considering the necessity and proportionality of a corresponding provision in England.

46. Since vicarious liability was introduced in Scotland, the first successful convictions have been made, which are helping to reinforce the need for appropriate training and monitoring of estate employees and there are reports of birds of prey returning to some estates in Scotland, although additional regulatory reforms are also required.

47. Recognising the ongoing impact of wildlife crime on Scotland’s reputation, biodiversity and wildlife tourism, the Scottish Parliament recommended a government study of gamebird licensing systems (currently underway), as part of a review of wildlife crime legislation in Scotland. The Scottish Government have stated they are prepared to introduce new regulation for shooting businesses if necessary and have also committed to a review of satellite tagging data for hen harrier, golden eagle and red kite to determine whether there is a suspicious pattern to disappearances.

48. Natural England holds a wealth of data from satellite tagging of hen harriers and we recommend a similar independent investigation of these data is commissioned and carried out in full cooperation with the Scottish review and the findings published.

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References

9 RSPB figures based on known prosecution outcomes for offences relating to bird of prey persecution.


44 Based on analysis of information provided to the RSPB by Natural England under Environmental Information Regulation request 2744 (February 2015).


