

The Scottish Government's proposals for grouse moor reform and National Parks

Description

The title of the Scottish Government's consultation, "Wildlife Management in Scotland" ([see here](#)), which closed yesterday, was very revealing. Despite the nature emergency and the Scottish Government's commitment to protect 30% of the land by 2030 ([see here](#)), there were no questions about how natural processes could be restored or we might reverse the catastrophic collapse of nature in Scotland which has seen so much wildlife disappear from the countryside. Rather, the consultation was all about tweaking the rules that facilitate some of the most destructive land-management practices in Scotland. In effect it was all about allowing sporting estate owners, from King Charles downwards, to continue to manage the land for private pleasure while curtailing some of their worst excesses.

This was not unexpected. Most of the Scottish Government's proposals arise from the flawed Werritty Review – others come from a review of snaring that took place in 2017 – which, as I argued three years ago ([see here](#)), "should have asked is not whether grouse moors can be managed better, its whether they should exist":

That question should have been even more pressing now but, rather than respond to the climate and nature emergencies, the Scottish Government has chosen to return to flawed reports well past their sell-by date. This approach, commission a report with flawed terms of reference, delay, accept some or all of the recommendations, more delay and then eventually consult again, allows the Scottish Government to delay reform indefinitely. When minor reforms are eventually implemented, its wait 5-10 years to see if they have worked, at which point the whole drawn out process starts again.

Revive, the coalition for grouse moor reform, understands this and encouraged the public to demand greater reforms to what is being proposed ([see here](#)):

"we really want the Government to end the Killing to Kill of our wildlife on grouse moors, end the mass chemical medication of grouse and for no licences to be given for muirburn when the purpose is just for grouse shooting".

However, Revive encouraged people to answer "yes" to most of the proposals in the consultation, which in my view risks legitimising them. By contrast, I mostly responded "no", which could risk my response and others like it being used to delay reform even longer. I hope, however, my comments will have clearly separated my response from the sporting interests most of whom are also likely to have replied "no". What this helps demonstrate is that the consultation was unsatisfactory, full of loaded questions, inviting binary yes/no responses and many with no space to comment. My own view is it was designed to get the response the Scottish Government wants rather than what is needed to tackle the climate and nature emergencies.

While you can read my response [here](#), I think it is worth trying to summarise some of the key flaws in the proposals

The scope of the proposals

The proposals are split into three sections, titled “Licensing of Grouse Shooting”, “Muirburn” and “Wildlife Traps”. Section 1, on the licensing proposals for grouse shooting, are entirely about trying to reduce the illegal persecution of raptors. While Section 2 asks about the introduction of licenses for muirburn, these are treated as separate licenses. Instead of looking at how to prevent the damaging impacts of intensive grouse moor management as a whole, the Scottish Government has chosen to look at three aspects of that management and deal with each in very different ways. For example, while it is proposed shooting licenses should apply to all those who take decisions which contribute to raptor persecution, under the trapping proposals only the individual trapper will be held accountable. The predictable consequence is that gamekeepers will become an expendable commodity while sporting estate managers and owners, who are ultimately responsible for the wildlife carnage caused by trapping, will be let off the hook.

The fundamental issue, the drive to produce more and more grouse for people to shoot, is simply ignored. As a consequence all the other damaging impacts of intensive grouse moor management, not just the use of medicated grit considered by Werritty, are ignored: bulldozed tracks; damage to vegetation and soils by ATVs; heather cutting and grazing by sheep used to mop up ticks; the release of red legged partridges on grouse moors; the creation of grouse butts and medicated grit stations in peat bogs etc.

It is notable that none of these impacts are on the reform agenda despite the fact, as I showed in my last post on King Charles and Delnadamph ([see here](#)), that the public is now paying to restore peatland that has been damaged by grouse shooting while the very same damaging activities are allowed to continue elsewhere on the royal estate. Nowhere in the consultation is there mention of subsidies to grouse moor owners or the need for “cross compliance”. When proposals are eventually considered by the Scottish Parliament, MSPs need to propose amendments which put an end to this scandal.

What are the various licenses expected to achieve?

The proposals about licensing grouse shooting do not cover other gamebirds and make no distinction between driven and walked up grouse shooting. As a result they are likely to be ineffective. If any grouse moor is banned from shooting grouse they can simply switch to releasing red-legged partridge as many are already doing. They are also unfair. It is quite possible to do walked up grouse shooting, without undertaking any of the activities associated with intensive grouse moor management. Yet estates that do or have done this, like Wildland Ltd in Glen Feshie – and as I understand it RSPB at Abernethy in the past – may require to be licensed in exactly the same way as those that undertake driven grouse shooting and presumably pay the same fees.

The sanctions that are proposed for breaching licensing conditions and the criteria for applying them are both unworkable and laughable.

Unworkable because the proposal is the licensing authority will have to prove a license is breached

(the consultation asks whether the standard of proof should be beyond reasonable doubt or on the balance of probabilities) rather than putting the burden of proof on the licensee to show they have adhered to the license. Take the example of an unlawfully killed raptor found near the border of three estates. Just as with criminal investigations, it will continue to be almost impossible to establish who was responsible. Hence, unless such a crime results in the licenses of all the possible perpetrators being suspended until the estate responsible is identified, nothing will change.

Unworkable too because the license will apply only to people, not the land. For example, a gamekeeper, factor and landowner are all included in a license which is revoked by the licensing authority. What then happens when the landowner passes ownership to a relative or a new company, appoints a new factor and replaces the gamekeeper? Unless sanctions apply not just to those involved but the landholding they will not stick. But apply sanctions to landholdings is also problematic. Any licensing scheme would need to deal with a landowner who splits each grouse beat onto their land into a different sporting tenancy.

Laughable because in the rare cases that the licensing authority might be able to prove an estate was responsible for raptor persecution, they still have the option of issuing a warning to the licensee. Given NatureScot's reluctance to withdraw the general licence, which allows estates to kill birds like crows, after instances of raptor persecution, grouse moor owners will hardly be trembling in their boots.

Muirburn

We should be grateful, I suppose, that the single most damaging management activity involved in grouse moor management was included in the consultation. There were two main proposals, the introduction of a licensing scheme year round, instead of just outside the muirburn season as at present, and a ban on muirburn in peatland, defined as areas where peat is 40cms or more deep.

What exactly the licensing is supposed to achieve is not entirely clear: perhaps the idea is that those who burn peat 40cm deep should lose their license to burn elsewhere? It would be simpler and more effective to make muirburn on peatland, however defined, a criminal offence.

The key issue, however, is what depth of peat constitutes "peatland". While 40 cms is better than the UK Forestry Code, which prevents cultivation for planting on peat more than 50cm deep, Scottish Forestry has since 2021 not grant funded any cultivation of peat more than 10 cms deep ([see here](#)). Meantime organisations like the RSPB, which are part of Revive, have decided not to plant trees on peat more than than 30 cms deep. That may be why Revive called on people to suggest that there should be no muirburn on peat over 30 cms deep.

The truth, however, is that any burning on peat is extremely damaging: vegetation which eventually would have added to the peat, preserving carbon, is instead sent up in smoke which effectively prevents peatland from development; peat surfaces are exposed increasing the likelihood of them being eroded; the bare surfaces also promote water run-off and flooding. Just seven years after Storm Frank, Ballater was again flooded this November and a primary reason for that lies in the grouse moors upstream.

Peatland Action is now restoring many areas of eroded peatland which are less than 40cms deep,

including bare patches where no peat remains. That rather begs the question, what is the justification for allowing landowners to continue to burn those same areas of ground?

What is the relevance of all this to National Parks?

Despite the levels of raptor persecution and the extent of muirburn in the Cairngorms National Park, there was absolutely nothing in the Scottish Government's proposals or the consultation that would allow higher standards/requirements to be applied in National Parks or other protected areas.

If those campaigning for grouse moor reform are prepared to compromise and accept a slightly improved version of the light touch licensing regime being proposed by the Scottish Government, in my view this should only be in areas regarded as relatively unimportant for nature or tackling climate change and for a limited period of time. For more important areas, like National Parks, much stricter controls are required.

Preferably, such controls would involve a complete ban on driven grouse shooting, which drives all the damaging practices associated with intensive grouse moor management. However, if the Scottish Parliament wanted to give time for sporting estates to adjust, it could start by banning muirburn and create a framework for the gradual introduction of other measures.

Our National Park Authorities would be better placed than NatureScot to manage and oversee such a process of change. Hence why I suggested in my response to the consultation that they should be given responsibility for overseeing and managing grouse shooting in their areas.

Category

1. Cairngorms
2. National Parks

Tags

1. CNPA
2. grouse moors
3. hill tracks
4. landed estates
5. NatureScot
6. Scottish Government
7. wildlife persecution

Date Created

December 15, 2022

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