

# How will the Scottish Government's proposals for grouse moors affect the Cairngorms?

## Description

The problem with the Scottish Government's response to the Werritty Review ([see here](#)), which I blogged about almost a year ago ([see here](#)), is that fails to tackle the central issue, the intensification of moorland management in order to produce more grouse for shooting. The conversion of Scotland's moors into vast farms for grouse is having serious consequences for climate change, nature conservation and for people in the countryside. The response to the Werritty Review effectively commits the Scottish Government to tinkering around the edges. Without addressing the central issue, any attempts to limit some of its damaging impacts in isolation may well result in further damaging consequences. This post explains why.

## Muirburn

The single most sensible proposal in the Scottish Government's response is to ban muirburn on peat bogs, which lock up more carbon from the atmosphere than forests or other soils. Allowing some to continue to go up in smoke when the Scottish Government has just committed to spend £250 million over the next ten years on peat bog restorations would be clearly mad. How large an area will be covered by this ban cover is less clear and less certain.



Looking east to Mount Keen September 2020. How much of this land will be classified as peat bog?

The Scottish Government has committed to looking at the the current definition of a peat bog but there is likely to be huge opposition from landowners to any extension. Once this is decided, lots of resources and time is likely to be consumed trying to work out what land is covered by the ban and what not. A wasteful exercise which, like mapping “access land” in England, could lead to endless local disputes.

In isolation, the decision to protect peat bog from muirburn, could also actually result in increased destruction of peat. Some grouse moor managers will be anxious to ensure that areas they currently burn are not classified as peat bog when the new system is introduced. On the Invercauld Estate, for example, muirburn is currently practised with little or no regard for what lies beneath ([see here](#)). One way to ensure that muirburn could continue would be to intensify burning further to ensure that these areas won't fit the new classification for peat bog. And if that fails, the landowner could start digging up areas of peat bog outside of Sites of Special Scientific Interest to ensure that they remain classified as moor, not bog. There is nothing in the law ([see here](#)) to prevent them doing either at present.



Muirburn on the south shoulder of Hunt Hill, Invermark Estate, September 2020 with clear evidence of damage to peat and other soils

Offering greater protection to peat bogs won't deal with the wider issue which is that muirburn damages peat and other soils, wherever it is conducted. The Scottish Government is proposing that burning outside of areas classified as peat bog should be governed through a new licensing system and a "refreshed" Muirburn Code. Currently the Muirburn Code ([see here](#)) advises against burning on areas of peat over 50cms thick or on thin soils less than 5cm thick. That advice is widely ignored, which is why the Scottish Government is proposing to extend statutory protection to all peat bogs, but trying to enforce it as part of a licensing system is likely to be even more challenging than protecting bogs. Even if the proposed system did prove effective at ending muirburn on thin soils and peat over 50cm thick, that still leave huge areas of land where burning will continue.



East flank of Hunt Hill, Glen Lee, Invermark Estate. The woodland below and on the crags has been contained and prevented from regenerating through muirburn and sheep grazing. The light strip above the bee hives leading up to the rim of the coire marks an area of fairly recent muirburn

Muirburn prevents soils from building and effectively stops all woodland expansion, another government target. Current Scottish Government thinking appears to be that they want lots more woodland, so long as it's not on a grouse moor. The landscape that results is poor at storing carbon and is capable of supporting little wildlife, apart from unnaturally high numbers of red grouse, some mountain hares and the animals that prey on both which are relentlessly slaughtered.

## Heather Cutting



Extensive heather cutting in the moorfoots. Trees would colonise much of this ground if given a chance.

Even if muirburn was completely banned tomorrow, however, estates could still manage moorland to produce unnaturally high numbers of red grouse through heather cutting. The Muirburn Code now includes a brief section on this practice but it is even less prescriptive than the section that deals with actual muirburn. Apart from saying care should not be taken to damage soils and vegetation, it seems the only limitation on heather cutting outside of SSSIs is the technology. This is improving the whole time and making more and more areas of moorland accessible to cutting.

The Scottish Government's response to Werritty says nothing about heather cutting, not even on peat bog. Unless the Muirburn Code introduces new provisions to control this, all that will happen is that where muirburn is constrained under the new licensing system, managers will shift to these newer techniques of promoting heather at the expense of other plants and very little will change.

## Other ways grouse moor management impacts on peat bogs

Protecting peat bogs from muirburn, whatever the unintended consequences, won't save them from the other damaging practices associated with intensive grouse moor management. In October I walked down the south-east shoulder to Carn Bhac at the head of Glen Ey on the Mar Estate.



Note the grouse butt just to the right of the figure

There is nothing in the Scottish Government proposals to prevent estates constructing new grouse butts in areas of peat bog. Unless the butts are constructed above ground as wooden “shields” and access is by foot, the inevitable consequence is the surface of the bog gets broken up, damaging the peat and altering the hydrology.



Eastern shoulder of Carn Bhac looking towards the head of Glen Ey October 2020. Note how the vegetation around the grouse butt has been cut from the bank on the left leaving the peat exposed

In the case of Carn Bhac, I found out afterwards that the area traversed by this ATV track was part of a peat bog restoration scheme c2015. What is the point of forking out large sums of public money on restoration, if landowners and managers are still allowed to dig holes in the bog and drive all over it?

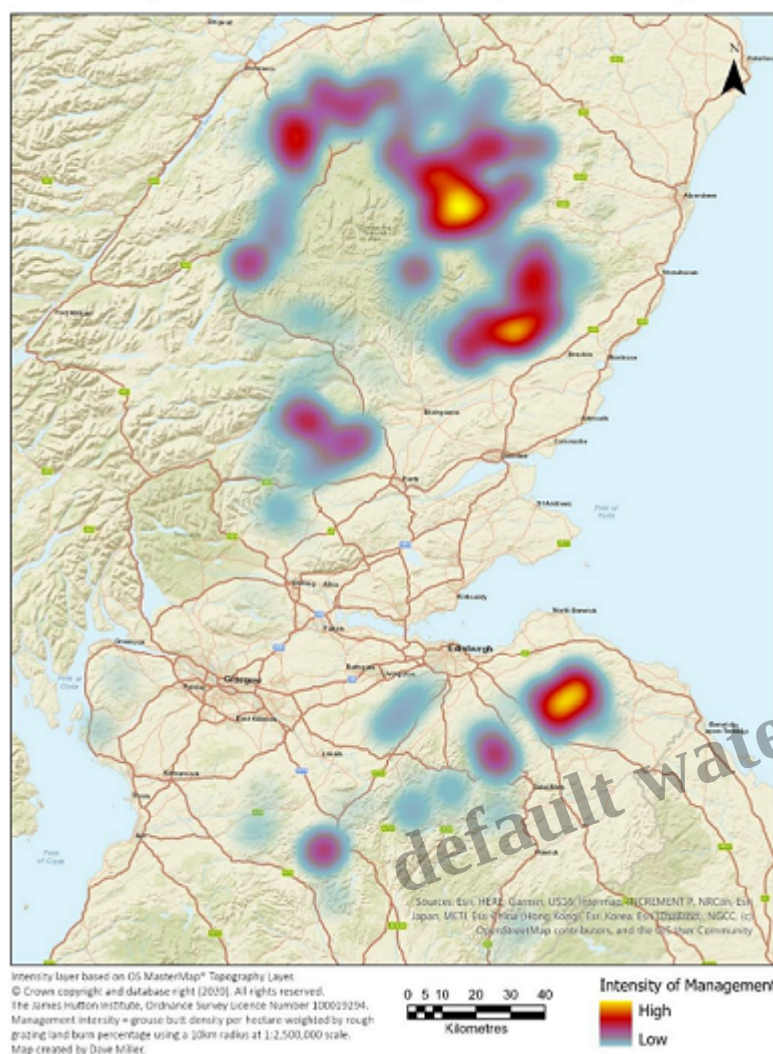
There is nothing either in the Scottish Government's new proposals to control the use of ATVs. While NatureScot has powers, which it almost never uses, to stop the use of ATVs on peat bogs designated as SSSIs, that only covers a proportion of our peat bogs in Scotland. The extensive area of peat bog south and east of Carn Bhac is not protected as a SSSI.



ATV track created by vehicles accessing grouse butts on the North Drumochter Estate September 2020

In theory, one way of partially addressing this issue would be to bring the construction of grouse butts into the planning system. Permission for butts could be limited to areas where their construction would do no damage and conditions attached to forbid ATV use, which creates new tracks by default. Unfortunately, not even this moderate measure appears to be on the table.

Density of Grouse Butts Weighted by Burn Percentage



Grouse butts enable those who indulge in shooting to get far larger bags than would otherwise be the case. It is the desire, the social kudos, of large bags which lies behind driven grouse shooting and has driven the intensification of grouse moor management. That is well illustrated by recent research ([see here](#)) which mapped the intensity of muirburn against the existence of grouse butts. (If you mapped tracks and ATV damage against grouse butts you would get a similar result). The map shows that much of the most intensive grouse moor management in Scotland occurs in the Cairngorms National Park.

There is no recognition in the Scottish Government's response to Werritty that additional controls over grouse moor management might be justified in our National Parks, particularly in the Cairngorms. Our National Park Authorities do have byelaw making powers which, if they were allowed to use them, could introduce additional controls over grouse butts, ATV use etc. The message is the Scottish Government sees nothing wrong in trying to farm wild animals to produce unnaturally high numbers for shooting even in our National Parks.

## Protecting landowners' ability to produce high numbers of grouse

It would be pointless to continue to allow landowners to manage their land to maximise numbers of red grouse, only for them to die or be gobbled up before the great sporting day in August. Preventing disease through the administration of medicated grit and killing off the mountain hares that carry it, along with the elimination of predators, are therefore integral to the sustainability of driven grouse moor management. The Scottish Government's response implicitly recognises some of this when it states "*medicated grit has helped iron out fluctuations in grouse numbers*", i.e. kept them high enough to satisfy shooters.

On these matters the Scottish Government's new proposals appear to represent a compromise between keeping grouse numbers as high as possible while satisfying the court of public opinion about what practices are no longer acceptable. On the one hand the government's response confirms the additional protection for mountain hares (a new code is promised too), which it was forced to accept after a vote in the Scottish Parliament, and introduces the possibility that grouse shooting could be banned on estates which are proven to kill raptors. On the other hand it allows the continued use of medicated grit in the countryside – NatureScot will introduce yet another Code of Practice – and the continued trapping and persecution of mammalian predators and corvids.

What this means for the Cairngorms National Park is that the Scottish Government still believes that it is acceptable that a large proportion of the land within its boundaries is used to farm grouse (and other game birds) rather than for conservation.

## Why a licensing system won't make much difference

The Werritty Review was asked to consider the introduction of a licensing system for grouse moors, primarily as a means to increase protection for raptors. A majority of the Review panel supported licensing but, in order to get the landowning interests to agree, they suggested estates should be given another five years to put their house in order. One year later the Scottish Government has decided to start work on a licensing system now. It may well take two years to set up, giving landowners plenty of time to pre-empt any new controls.

While licensing will introduce a risk that the right to shoot could be removed if raptors continue to be persecuted, the history of the last twenty years is that there have been almost no successful prosecutions for the dozens of raptors that have disappeared. In June Raptor Persecution Scotland listed 74 cases ([see here](#)) of raptor persecution in the Cairngorms National Park since it was created in 2002. These have resulted in just one successful prosecution and that was back in 2003. The introduction of Special Constables to help tackle wildlife crime in the Cairngorms in 2018 had, a year later, made no difference ([see here](#)). The Scottish Government's announcement of higher fines for raptor persecution is unlikely to be a deterrent either.

The underlying issue is that so long as the Scottish Government accepts that the slaughter of stoats, weasels, foxes or jays is justifiable to allow a few to enjoy their "sport", those asked to carry out this persecution are unlikely to see much difference between killing an eagle and a killing a stoat. All are

“vermin” from the grouse farmer’s perspective. None of the measures the Scottish Government is proposing will work unless there is a revolution in the way grouse moors are policed which results in a reasonable proportion of those responsible being caught. Tagging estate vehicles ([see here](#)) as part of the licensing system might be a start but proving a wildlife crime would nevertheless be very difficult.

Besides lobbying to ensure that the licensing system is as ineffective as possible, landowners will have various options to try and get round the withdrawal of licenses. Where grouse moors are leased, there will no doubt be debates about whether it should be the tenant, the landowner or both who should lose their license. This argument becomes more complex where there is more than one shooting tenant and there will be legitimate arguments about why one tenant should lose their license for actions allegedly taken by the another. Landowners could also mitigate against the remote likelihood they might lose their licences by splitting up tenancies into smaller units, with a different person at the head of each, and even dividing up their land so that it is held by a number of companies. Who then loses the licence?

## What needs to happen

In my view licensing is likely to be costly, bureaucratic and ineffective and new blanket measures to protect mountain hares and ban muirburn on peat bogs, despite all the loopholes, are likely to be more beneficial. What conservationists shouldn’t do is allow the Scottish Government’s announcement of a licensing system to undermine or end calls for there to be a much stronger controls over grouse shooting in the Cairngorms National Park.

The practice of driven grouse shooting and the intensive land management practices associated with it are generally totally incompatible with the conservation objectives of our National Parks. What conservationists should be arguing for, therefore, is for all driven grouse shooting to be phased out in the Cairngorms National Park. Prince Charles, as President of WWF, could lead by example at Delnadamph ([see here](#)).

Unfortunately the CNPA appears, on occasion, to endorse practices associated with intensive grouse moor management. The Cairngorms Capercaillie Project ([see here](#)) has just recruited 8 staff, one of whom is a gamekeeper who will be employed by Seafield Estates. There is nothing in the project brief to explain what that gamekeeper will be doing or to justify their employment, but their title suggests they will be eradicating foxes rather than stalking red deer to enable existing areas of woodland to regenerate naturally and provide more habitat for the capercaillie. Perhaps the CNPA is using the Capercaillie Project as an opportunity to demonstrate to other gamekeepers the difference between good predators (pine martens and eagles) and bad predators (vermin)?

Meantime, instead of NatureScot becoming the licensing authority for the whole of Scotland, as the Scottish Government is proposing, the CNPA could be made the licensing authority for the Cairngorms. That would ensure far more effective join-up between its staff, who are trying to improve grouse moor management through the east Cairngorms Moorland Partnership, and the new licensing regime. Will their Board be brave enough to call for that?

## Category

1. Cairngorms

### **Tags**

1. CNPA
2. grouse moors
3. hill tracks
4. hunting
5. natural environment
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7. wildlife persecution

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