

Thank you very much for your letter of 8th April, and for copying us in on your letter to Paul Wheelhouse MSP, Minister for Environment and Climate Change. We appreciate you writing directly to us and being open about who you are. I am copying the Minister in on this reply to your letter. You have made a number of points in both letters which deserve to be answered in some detail:

“Shooting and poisoning of raptors needs to cease”.

We wholeheartedly agree with you. It is clear that birds of prey are sometimes illegally killed because there are conflicts with land management activities such as gamebird shooting and sheep farming. They are also killed because of conflicts with other activities such as pigeon racing, keeping of free range poultry and by people who want to protect other species being predated. Scottish Land & Estates is quite clear in their condemnation of anyone, land owner, manager or otherwise, who kills birds of prey illegally and have been working with Government and the Partnership against Wildlife Crime (PAWS) to ensure that it stops. In particular the figures for bird of prey poisonings have gone down very sharply over the last three years. We are not complacent, because where there is burgeoning population of predatory birds with no control mechanism then inevitably there will be tensions, but we believe that the law breaking is now coming down to a low level and can eventually be stopped altogether.

“ongoing persecution of birds of prey by landowners”

You make an assumption that persecution is done by “landowners” which is a huge oversimplification, perhaps deriving from media comment. Very few cases are proven, which is unsatisfactory for everyone, not least the owners of land in the area where a bird of prey is found as they do not get the opportunity to clear their name. An example of this was the case of the poisoned Golden eagle in Peeblesshire in 2007 where publicity tried to link it with the start of the grouse shooting season; it subsequently was shown that the estate in question was not a grouse moor and the owner had been looking after the Golden eagles for many years to prevent such unwelcome attention. It is too easy to make non-specific allegations in the media which cannot be proven or disproven, and very important that the same standards of proof are used in bird of prey cases as in any other crime. There are also sufficient instances of irregularities in the discovery and handling of bird of prey corpses which confirms that not all cases are of genuine persecution. This is a murky world with some strong political and animal rights agendas, and we ask that you look carefully at the facts about convictions before making such assumptions about guilt.

We are aware that you have written to the Minister in response to the “Raptorpersecutionscotland” website. This is an anonymous blog which does not have to take any responsibility for the allegations it can freely make. It has a clear anti-landowner and anti-sporting agenda and seeks out any story which it can use to engender criticism – for example last week it took the issue of uncontrolled grassland fires in the West of Scotland crofting areas, and tried to infer that “landowners” of grouse moors were responsible. This could not have been further from the truth – it was crofters and hill farmers burning off grass and some careless access takers. There is no grouse management in that part of Scotland. This one website has done so much to undermine the efforts of PAW partners to find a final resolution to this problem; it is entirely unaccountable and risks prejudicing investigations because the information is leaked by those closely involved. In any other area of criminal justice, this would not be tolerated.

“really going for the owners of sporting estates with punitive penalties, including the removal of all grants etc?”

The existing penalty for any bird of prey crime is serious, usually a fine depending on the circumstances but potentially imprisonment. Even if a gamekeeper is only given a fine, he will often lose his firearm/shotgun certificate and is then unable to continue his trade. Single Farm Payment can be removed from the landowner where it is suspected that a bird of prey crime has been committed – it does not need to be proven. The cost and time to go through the appeal process is considerable. Since 2011 there has been an additional provision of Vicarious Liability whereby the landowner or manager can be prosecuted if an employee or agent persecutes a bird of prey, although there have been no prosecutions on this basis. So there is a very strong and effective set of disincentives to breaking the law and it is hard to see what else could be brought in.

In terms of enforcement, the police have dedicated wildlife crime officers backed up by RSPB investigators, SSPCA staff, professional and amateur raptor study workers and birdwatchers. Birds of prey are often radio tagged so that information can be gleaned if it goes missing or is found dead. We are not sure how surveillance can be further increased and remain in balance with the actual level of recorded crime.

“[Shooting and poisoning of] non game vermin needs to cease”

It is not clear if you are saying that predators such as foxes, crows and mustelids should not be killed. If so, that would be one of the most disastrous policies imaginable for our countryside. It is only by relentless efforts by gamekeepers that those species are kept at manageable numbers and other wildlife (as well as gamebirds) are able to thrive. The proof for this is very strong, so I wonder if you are making another point here?

“Recreational access takers want to see raptors soaring overhead - not acres of sterile moor”.

The idea that a managed moor is sterile is simply wrong. The science is overwhelming that many rare and declining species, for example Lapwing, Curlew, Golden plover and Black grouse are more numerous on well kept moorland, compared to where there is no management. Indeed, many raptors also do better where the grouse keeping provides them with a food source. Can I suggest that you study the evidence from the Langholm project <http://www.langholmproject.com/> ? There are many moorland areas, particularly in the west of the UK where the loss of grouse management has been followed by a decline in most other species, including the “soaring” raptors, once they have used up the remaining prey supply. Then you are left with a truly sterile moor.

“Walking and ornithological tourism brings in far more than shooting does”.

Many figures have been produced, but in 2005 it was calculated that shooting sports bring in £240 million per annum to the Scottish economy. It is much more difficult to calculate what walkers and ornithologists generate, but the key point is that they are not mutually exclusive. In fact, many walkers and mountain bikers like a well roaded moor and shorter heather because walking is easier, especially for less able people. An increasing number of estates now offer wildlife tourism as well as sporting and the bird life will tend to be greater on an estate where gamebirds are managed (see Game and Wildlife Conservation Trust Research). In respect of the “big ticket” species such as Golden eagle and Merlin, many landowners are actively involved in their conservation, working with SNH and other experts.

“Continual muirburn degrades the land and burns native trees trying to make a comeback so is of very little long-term use to anyone”.

This is not correct. An uncontrolled “hot” fire can damage the underlying peat layer but a properly managed “cool” burn will get rid of old rank heather which has little wildlife value and regenerate that heather. Rotational muirburn keeps down the “fuel load” which is the real problem when a wildfire takes hold – that is when the land is really degraded. There is increasing concern that because less hill vegetation is eaten by livestock or burnt for grouse management than in the past, there is a growing risk of catastrophic wildfire.

There are strict rules about burning near to trees, which are set out in the Muirburn Code, so the risk to native trees is small – however thick old vegetation is sometimes burnt off deliberately so that tree seeds can get the bare earth and sunlight they need.

It is also the case that our open moorland is an extremely valuable habitat at an international scale, of which the UK holds some 75%. The RSPB as much as anyone wants to retain open moorland against forestry expansion because of the unique bird assemblage it supports, which would be lost once trees take over. For example the iconic Golden eagle needs large areas of open ground over which to forage. And the Red grouse, only found in the UK, is dependent on open heather moorland. Peatlands are often deliberately kept free of trees because the ability of open peatland to lock up carbon is greater than forestry.

This reply only touches on the issues you have raised and we would like to meet you and have the opportunity to discuss your concerns in more detail, and for us to explain initiatives such as Wildlife Estates Scotland which Scottish Land & Estates is developing to keep improving best practice. It is important to us that any misconceptions can be corrected. The best place to do this would be on a managed moor of which there are plenty close to Edinburgh. You clearly have a strong and genuine concern about land management and we would be very happy to organise a visit for you.

Yours sincerely,

Tim Baynes
Director
Scottish Moorland Group

cc Paul Wheelhouse, Minister for Environment and Climate Change