



## BRIEFING PAPER

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# Grouse shooting

By Oliver Bennett

### Contents:

1. Red grouse
2. Issues
3. Grouse shooting petitions
4. Petitions Committee debate and evidence
5. Further information



# Contents

<b>Summary</b>	<b>3</b>
<b>1. Red grouse</b>	<b>4</b>
1.1 Grouse shooting	4
1.2 Benefits of grouse moor management	5
<b>2. Issues</b>	<b>8</b>
2.1 Burning	8
2.2 Illegal killing of birds of prey	10
2.3 Vicarious liability for wildlife offences	13
2.4 Licensing of grouse moors	14
<b>3. Grouse shooting petitions</b>	<b>15</b>
3.1 Petition to ban grouse shooting	15
3.2 Petition to protect grouse shooting	16
<b>4. Petitions Committee debate and evidence</b>	<b>18</b>
<b>5. Further information</b>	<b>21</b>

## Summary

Grouse shooting takes place on moorlands managed for the birds. Management includes rotational burning of heather and the killing of predators. There is evidence to suggest that moorlands have been managed more intensively for grouse over recent years.

Grouse shooting can be beneficial to the environment and the rural economy. It helps to preserve heather moorland, which is an internationally important habitat. It may support over 1,500 jobs in England.

However, there are concerns that some forms of management may be seriously damaging the environment in a number of ways. There are also concerns that the illegal killing of birds of prey, and in particular hen harriers, is being conducted on grouse moors.

Measures are already in place to manage these issues, such as legislation to make the killing of birds of prey illegal and the regulation of burning on moors.

However there are concerns about the enforcement and application of these measures. The European Commission has initiated infraction proceedings against the UK to determine whether EU environmental law is being met.

Some have called for driven grouse shooting to be banned. Others support a licensing system to enable licences for grouse shooting to be revoked where illegal activities are found. Representatives of the industry believe that the existing legislation is adequate and that it is working to address many of the issues raised.

Two public petitions have been launched on this matter, on both sides of the argument. The Petitions Committee took evidence from witnesses on 18 October 2016, and a debate is scheduled for 31 October 2016.

# 1. Red grouse

Red grouse are wild game birds of upland Britain. In 2009 it was estimated that 230,000 pairs were present in the UK.<sup>1</sup>

The species is of conservation concern in the UK as it has faced long-term population declines.<sup>2</sup> Population declines are thought to have been driven by a loss of heather moorland, increased sheep grazing, afforestation, increased predation, and an increasing incidence of disease.<sup>3,4</sup>

Heather provides over 90% of the bird's diet. Grouse prefer young fresh shoots to eat and older heather for cover.

Common predators of grouse include foxes, stoats and crows. Some birds of prey such as hen harriers also predate grouse.<sup>5</sup>

## Box 1: Devolution and Brexit

The environment is a devolved matter. The devolved governments are responsible for grouse moors and environmental regulation.

EU law plays an important role in wildlife conservation across the UK. It seeks to ensure that conservation is coordinated with other Member States in order to protect migratory birds and other vulnerable species.

Approximately 40% of grouse moors are in areas currently protected by EU environmental law. Some sites are also designated as Sites of Special Scientific Interest (SSSIs) under UK legislation. Various activities on grouse moor estates are eligible for EU funding under agricultural, rural development or environment policies.

The UK Government is negotiating Brexit on behalf of the UK. It is not yet clear what the implications of Brexit might be for the environment, EU protected areas or for issues such as grouse moor management and funding.

The [Government guaranteed](#) that the current level of agricultural funding under the Common Agricultural Policy "will be upheld until 2020, as part of the transition to new domestic arrangements". More information can be found in Library briefing paper on [Brexit: impact across policy areas](#).

## 1.1 Grouse shooting

Grouse shooting has taken place in the UK for more than 160 years. Grouse shooting comes in two forms:

- *Walked-up grouse shooting* involves shooters walking on the moor, driving the grouse from the ground and shooting them when they take flight. This is normally done where grouse densities are lower.

<sup>1</sup> The British Association for Shooting and Conservation Research [White Paper: Grouse shooting and management in the UK: its value and role in the provision of ecosystem services](#), 2015

<sup>2</sup> [RED GROUSE: Lagopus lagopus](#), BTO, 11 October 2010

<sup>3</sup> *ibid*

<sup>4</sup> [UK National Ecosystem Assessment: Technical Report Broad Habitats: Mountains, Moorlands and Heaths](#), UNEP-WCMC, June 2011

<sup>5</sup> *ibid*

- *Driven grouse shooting* involves a group of beaters, who scare the grouse towards a line of shooters concealed in a hide. This is normally done when grouse densities are higher.<sup>6</sup>

There are approximately 450 grouse shooting moors in the UK, covering 16,763 km<sup>2</sup> or around 7% of the UK.<sup>7</sup>

Moorland is largely a human-created landscape. A combination of burning, deforestation and grazing holds the landscape in a “state of arrested ecological succession”, which otherwise might revert to other types of habitat such as forest.<sup>8</sup>

Grouse moors are managed to create suitable habitat for grouse in order to increase the numbers available for shooting. This is typically done by the burning of moorland in patches, on a rotation of a number of years.<sup>9</sup> This creates a patchwork of heather of different ages, which is important for providing both food and cover for the birds.

Alongside burning, there may be additional management activities on grouse moors such as:

- The use of medication to control grouse parasites;
- Infrastructure works such as tracks, car parks and fencing;
- Predator, deer and hare culling.

There is evidence that there has been a “recent upsurge in investment” in grouse moors, with consequent increases in their management.<sup>10</sup>

## 1.2 Benefits of grouse moor management

### Environmental

There are thought to be environmental benefits from grouse moor management, depending on the way in which it is conducted.

The use of controlled fires to create a range of vegetation cover can help to conserve heather moor habitats and their associated species. It is also thought that burning has helped to:

- improve the resilience of heaths to disease and pests;
- reduce the spread of invasive and potentially damaging species, such as bracken.<sup>11</sup>

In addition, legal predator control may reduce predation pressures on some other vulnerable bird species, such as lapwing, golden plover and curlew.<sup>12</sup>

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<sup>6</sup> The British Association for Shooting and Conservation Research [White Paper: Grouse shooting and management in the UK: its value and role in the provision of ecosystem services](#), 2015

<sup>7</sup> [UK National Ecosystem Assessment: Technical Report Broad Habitats: Mountains, Moorlands and Heaths](#), UNEP-WCMC, June 2011

<sup>8</sup> [A Review of Sustainable Moorland Management](#); Report to the Scientific Advisory Committee of Scottish Natural Heritage, October 2015

<sup>9</sup> *ibid*

<sup>10</sup> *ibid*

<sup>11</sup> *ibid*

<sup>12</sup> [Changes in breeding success and abundance of ground-nesting moorland birds in relation to the experimental deployment of legal predator control](#), *Journal of Applied Ecology*, 47, 263-273

## 6 Grouse moors: environmental, social and economic arguments

The [Game and Wildlife Conservation Trust](#) summarised some of the benefits of heather moorland management:

- Heather moorland is rarer than rainforest and threatened globally – 75% of what is left is found in Britain because it is managed for red grouse.
- Heather moorland managed for grouse supports up to five times as many threatened wading birds as moors not managed by gamekeepers.
- Grouse moor managers have created habitats for 95% of the surviving black grouse population in England.
- Managing the heather helps preserve the biggest carbon store in the UK found in the underlying peat.

Please note that some of these benefits are highly contested by others.

### Social and economic

Grouse shooting may also provide social and economic benefits. The Countryside Alliance and the National Gamekeepers Organisation said that:

Grouse moor owners in England spend £52.5 million every year on moorland management, 90% of which is privately invested, and the majority of which benefits the rural economy.

Businesses associated with grouse shooting benefit [by] £15.2M every year [including game dealers, accommodation providers, equipment suppliers, catering establishments and transport operators, many of whom are often based in the most remote rural locations and for whom it can be the main economic driver.

The 175 grouse moors in England support 1,520 Full Time Equivalent jobs. 700 are directly involved with grouse moor management and a further 820 jobs in related services and industries.<sup>13</sup>

Grouse moor management can be more profitable than other land uses such as sheep grazing. Grouse shooting activity in the English uplands increased between 2001 and 2009.<sup>14</sup>

The British Association for Shooting and Conservation (BASC) 2015 Research [White Paper: Grouse shooting and management in the UK: its value and role in the provision of ecosystem services](#) discussed the benefits of grouse shooting to the economy and society. It concluded:

The economic inputs, environmental labour and investment, and social aspects of grouse shooting in the uplands have an important positive role in sustainably maintaining and improving the provision of supporting, regulating, cultural and provisioning uplands ecosystem services.

- Grouse moor management is integral to a sustainable future of ecosystem service provision in the uplands.
- Grouse moor managers have a crucial role as custodians of upland areas, and are private investors of time and money into upland areas. This has many benefits, including socioeconomic support for upland

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<sup>13</sup> [THE VALUE OF GROUSE MOOR MANAGEMENT](#), Countryside Alliance & The National Gamekeepers Association, 2015

<sup>14</sup> [UK National Ecosystem Assessment: Technical Report Broad Habitats: Mountains, Moorlands and Heaths](#), UNEP-WCMC, June 2011

- communities, decreasing the likelihood of rural depopulation and helping the UK reach and maintain its conservation objectives.
- Limiting or reducing grouse shooting activity would result in a variety of socio-economic and environmental unintended consequences, which may ultimately damage the health of upland communities and conservation and slow peatland restoration potential.<sup>15</sup>

BASC has published an [interactive infographic](#) that set out the positive economic, social and environmental contributions of grouse shooting.

Please note that the socio-economic benefits associated with grouse shooting are contested. Dr Mark Avery in evidence to the Petitions Committee stated that “there are economic reports from economists that say the industry figures that suggest an economic benefit from driven grouse shooting are greatly exaggerated”. He also stated that the economic benefits attributed to grouse shooting fail to take into account the costs from the potential damage caused by grouse shooting from issues such as “increased flood risk and increased cost to water customers from treating water quality”. He said that “if all those things were looked at [...] I believe we would find that there is an economic deficit to society as a whole from driven grouse shooting”.<sup>16</sup>

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<sup>15</sup> The British Association for Shooting and Conservation Research [White Paper: Grouse shooting and management in the UK: its value and role in the provision of ecosystem services](#), 2015

<sup>16</sup> Petitions Committee (jointly with Environment, Food and Rural Affairs Committee), [Oral evidence: Grouse shooting](#), HC 670, 18 October 2016

## 2. Issues

While grouse moor management can deliver environmental and socio-economic benefits, there may be negative impacts. Principal concerns include:

- That important upland habitats are being damaged by burning to provide greater numbers of grouse to shoot. While measures are in place to control such damage, some are concerned that they are not being appropriately used or enforced;
- That illegal killing of protected birds of prey, such as hen harriers and golden eagles, on shooting estates. While legislation is in place to protect the animals, some are concerned either that it has not been adequately enforced or that additional legislation is required to make it effective.<sup>17</sup>

### 2.1 Burning

While burning can have positive impacts in terms of maintaining heather habitats, it can also have negative environmental impacts in some circumstances. For example it can cause:

- Biodiversity loss where it damages non-heather habitats such as blanket bog. It can also prevent such habitats recovering and “may perpetuate dominance of [grasses] or heather”.<sup>18</sup>
- Peat loss. Around 1,000 km<sup>2</sup> of peat-forming vegetation has been converted to heathland because of regular burning. This is of concern because:
  - Peat is a significant carbon store, with the uplands of England holding 140 million tonnes of carbon;
  - Peat is important in regulating the supply and quality of drinking water in a number of major river catchments, and it may help to reduce flood risk;<sup>19</sup>
- Damage to water quality and habitats in rivers leading from the moor.<sup>20</sup>

There is evidence to show that grouse moor management has become more intensive in recent years, and that burning is happening more frequently. Evidence has been published showing that from 2001 to 2011 the number of grouse moor burns increased by 11% each year.<sup>21</sup> This is of concern as more frequent and extensive burns may lead to greater environmental impacts.<sup>22</sup>

#### Damage to important habitats

The UK uplands are of great importance for biodiversity. Large areas have national and international conservation designations. These areas are a refuge for some of the UK's

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<sup>17</sup> [UK National Ecosystem Assessment: Technical Report Broad Habitats: Mountains, Moorlands and Heaths](#), UNEP-WCMC, June 2011

<sup>18</sup> [The effects of managed burning on upland peatland biodiversity, carbon and water](#), Natural England, 30 May 2013

<sup>19</sup> [Managing the land in a changing climate – Adaptation Sub-Committee progress report 2013](#), Adaptation Sub-Committee, Committee on Climate Change, 2013

<sup>20</sup> University of Leeds, [Grouse moor burning causes widespread environmental changes](#), 1 October 2014

<sup>21</sup> <http://www.rspb.org.uk/media/releases/details.aspx?id=404053>

<sup>22</sup> [A Review of Sustainable Moorland Management](#); Report to the Scientific Advisory Committee of Scottish Natural Heritage, October 2015

rarest species.<sup>23</sup> Approximately 29% of upland Sites of Special Scientific Interest are found on grouse moors and around 40% of grouse moors are currently protected by EU environmental law.<sup>24</sup>

However, some of these upland habitats are in an unfavourable condition. The Strategy for the Restoration of Blanket Bog in England noted that “12% of blanket bog in SSSIs in England is in Favourable condition” and that “the majority of the rest of the blanket bog in SSSIs, is currently assessed as Unfavourable Recovering condition”.<sup>25</sup>

Measures to protect and return these habitats to a favourable condition are required by UK and EU law. Burning is one of the biggest pressures on blanket bog habitats, alongside pressures such as grazing and draining. Therefore measures to change or limit burning of this habitat may be required to restore it.<sup>26</sup>

### Regulation of burning

Burning is [regulated](#) and can require a licence. Burning is partly regulated through a voluntary Heather and Grass Burning Code. The 'Heather and Grass Burning Code' has a presumption against burning on deep or blanket peat. Burning in protected areas requires a permit from Natural England.

However, evidence from Natural England published in 2015 suggested that burning on bog and deep peat is being conducted frequently:

An area of >33km<sup>2</sup> of new burns are executed on heather-dominated upland deep peat soils (bog or degraded bog habitat) annually. This estimate will undoubtedly rise as currently unmapped areas are added.

Contemporary burning regimes on deep peat are essentially as intense as those on other soil types (3.76% yr<sup>-1</sup> vs 3.99% yr<sup>-1</sup> respectively) and forty percent of all burning now occurs on deep peat. On average across England fire return times are in the region of twenty times more frequent than evidence suggests is required to permit full ecosystem recovery. In many regions, areas of deep peat are actually more intensively managed by burning than other soils, including the North York Moors, the Yorkshire Dales, the Peak District and Nidderdale AONB.<sup>27</sup>

In addition, Natural England has granted 116 consents permitting burning of blanket bog in five of England's ten Special Areas of Conservation (SACs), and six consents have been granted in the Bowland Fells Special Protection Area (SPA).<sup>28</sup>

Natural England published evidence in 2013 to help it to help it determine the way forward on upland management. It is reviewing burning consents and other management agreements in light of the evidence.<sup>29</sup> Natural England published a [Strategy for the Restoration of Blanket Bog in England](#) in June 2015. This is being used to “inform the way

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<sup>23</sup> [UK National Ecosystem Assessment: Technical Report Broad Habitats: Mountains, Moorlands and Heaths](#), UNEP-WCMC, June 2011

<sup>24</sup> [Grouse moor survey](#), Game and Wildlife Conservation Trust, viewed 25 October 2016

<sup>25</sup> [Blanket Bog Restoration Strategy Project](#), Natural England, 30 June 2015

<sup>26</sup> [ibid](#)

<sup>27</sup> [Burning in the English Uplands - A Review, Reconciliation and Comparison of Results of Natural England's Burn Monitoring: 2005 – 2014](#), Natural England, 9 June 2015

<sup>28</sup> [The Walshaw Effect - Northern England's protected blanket bogs](#), RSPB, April 2016

<sup>29</sup> [EU investigates English blanket bog burning practices](#), ENDSReport, 14 June 2016

in which Natural England and its stakeholders and partners will approach the restoration of priority blanket bog habitat".<sup>30</sup>

### **RSPB and Ban the Burn complaint to the European Commission**

The RSPB and Ban the Burn, a Hebden Bridge-based campaign, have written to the European Commission to complain that Natural England is in breach of the requirements of European law requiring the protection of blanket bogs in the South Pennine Moors. Part of the complaint related specifically to the permissions granted to a grouse moor to manage the land.

RSPB said that it was concerned about Natural England's decisions to:

1. Permit management measures that will result in an adverse effect on the integrity of the South Pennine Moors Special Area of Conservation (SAC) and Special Protection Area (SPA) protected under the Habitats Directive and Birds Directive, in particular the blanket bog habitats found there (Article 6(3) Habitats Directive);
2. Fail to take appropriate steps to avoid the deterioration of the habitats of the SAC and SPA by dropping the prosecution into 43 grounds of alleged unconsented activities (including permanent infrastructure), thereby allowing significant damage to remain and elements of the permanent infrastructure to continue to cause damage (Article 6(2) Habitats Directive).<sup>31</sup>

The European Commission wrote a Formal Letter of Notice to the UK Government on 28 April 2016. This signalled that the Commission considers that there may be an infringement of the law that warrants the opening of an infringement procedure.<sup>32</sup>

The UK Government presumably will now respond to the Commission to explain its position.

## **2.2 Illegal killing of birds of prey**

Grouse moor managers can legally cull a number of species under licence, such as foxes and crows, which either prey on grouse or that may otherwise impact on the grouse population through the spread of disease.

However, there are concerns that in addition to legal culling, some shooting estates are also illegally killing rare birds of prey.

The Environmental Audit Select Committee report on [Wildlife Crime](#), published on 18 October 2012, stated that while it "has been an offence to poison birds of prey under any circumstances anywhere in the UK since the Protection of Animals Act 1911... the practice has nevertheless continued over the past century, with a consequent effect on overall bird of prey populations".

The RSPB said that "since 2006, 2,578 incidents of bird crime involving or targeting wild birds of prey in the UK have been reported to the RSPB", with "shooting, poisoning and trapping continue to be the most frequent forms of illegal killing". It stated that:

- illegal killing often occurs in remote locations and is therefore difficult to detect;

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<sup>30</sup> [Blanket Bog Restoration Strategy Project](#), Natural England, 30 June 2015

<sup>31</sup> [RSPB briefing on European complaint](#), RSPB, October 2012

<sup>32</sup> [Taking a complaint to the Court of Justice of the European Union](#), HC Library SN5397, 11 March 2010

- We believe that reported incidents represent a fraction of what actually takes place;
- The majority of those found guilty of offences involving birds of prey are associated with the game shooting industry.<sup>33</sup>

RSPB said that the extent of illegal killing was demonstrated by the small populations of some of these birds:

#### **Red kites - a shocking comparison**

Red kites have been reintroduced into the Chilterns in England and the Black Isle in Scotland.

The same numbers of birds were released at both projects, but amazingly there are now over 500 pairs in the Chilterns compared to just over 50 pairs in the Black Isle.

The shocking truth is that this huge difference can be entirely explained by illegal poisoning in areas managed for grouse shooting close to the Scotland release site.

#### **Hen harriers – most affected by persecution**

The English population of hen harriers is being held well below its natural level by persecution.

In 2012, just one pair of hen harriers bred successfully in England - there is sufficient suitable upland habitat to support a population of 323-340 pairs.

Scientific studies by the Government's nature conservation advisers, Natural England, have found that illegal killing and destruction of nests is the main cause of this discrepancy.

Incidents of persecution are strongly linked to land managed for intensive 'driven' grouse shooting.

In Scotland, where most of the UK's population is found, it has been estimated that the number of hen harriers would increase by 13% each year if illegal killing was eliminated.<sup>34</sup>

The [British Association for Shooting and Conservation](#) "unreservedly condemns all illegal activity, including raptor persecution". It stated that "illegal hen harrier persecution" is "by a minority" and that "best regulatory practice is targeted and evidence led enforcement".

The Countryside Alliance said that confirmed incidents against birds of prey are falling, and that many bird of prey species now had "rapidly growing populations":

Any act of illegal persecution is unacceptable, and each one is one too many, but overall the number of confirmed incidents against birds of prey is falling, and in the context of our rapidly growing raptor populations this is a positive trend that should be welcomed. The populations of almost all our birds of prey are now at their highest levels since records began as a report compiled by the Countryside Alliance in 2014 showed. The only two species of birds of prey shown to be of high conservation concern were the hen harrier and white-tailed eagle.<sup>35</sup>

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<sup>33</sup> [The killing has to stop](#), RSPB, 30 November 2012

<sup>34</sup> [ibid](#)

<sup>35</sup> [RSPB BIRDCRIME 2014 REPORT ANALYSIS](#), Countryside Alliance, 27 November 2015

### Hen harriers

The hen harrier is a bird of prey that lives in open areas with low vegetation, such as moors. In 2010 12 breeding pairs could be found in England.<sup>36</sup> It has been estimated that England can naturally support 323–340 pairs.<sup>37</sup>

The main reason for the low numbers of hen harrier is thought to be illegal killing.<sup>38</sup>

The impact of grouse moor management on hen harriers can be viewed as both positive and negative. Management of moorland to favour grouse breeding can be beneficial to hen harriers because some of their own predators are controlled.

However, hen harriers can prey on young grouse which means that, above a certain population, hen harriers can reduce grouse numbers and may make a grouse moor uneconomic.<sup>39</sup> This conflict means that illegal killing of hen harriers is often attributed to gamekeepers.<sup>40</sup>

A Hen Harrier Action Plan (developed by a Hen Harrier Sub-group of Defra's Upland Stakeholder Forum and referred to in the Petition response below) was published in January 2016.<sup>41</sup> This contained a number of measures including providing food to hen harriers to divert them from preying on grouse chicks and trialling a "Brood Management Scheme". The Brood Management Scheme would involve removing "harrier broods from driven grouse moors once breeding numbers had reached a density at which they would impact significantly on grouse numbers".<sup>42</sup>

The Action Plan was supported by organisations such as the Game & Wildlife Conservation Trust, Moorland Association, National Gamekeepers Organisation, National Parks UK, Natural England and the RSPB.<sup>43</sup>

However, in July 2016, the RSPB withdrew its support for the Action Plan. A blog by Martin Harper, Director of Conservation, explained that a number of incidents indicating that the persecution of hen harriers was ongoing after the publication of the Action Plan had led the organisation to conclude that "not enough is being done within the grouse shooting community to effect change". It said:

...we believe that reform to protect the hen harrier will only come through licensing of driven grouse shooting where, for example, crimes committed on estates managed for shooting should result in the withdrawal of their right to operate.<sup>44</sup>

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<sup>36</sup> Uplands Stakeholder Forum, hen harrier sub-group, "[Joint action plan to increase the English hen harrier population](#)", January 2016

<sup>37</sup> <http://jncc.defra.gov.uk/pdf/jncc441.pdf>

<sup>38</sup> <http://jncc.defra.gov.uk/pdf/jncc441.pdf>

<sup>39</sup> <http://www.gwct.org.uk/wildlife/research/birds/raptors/hen-harrier/hen-harriers-and-grouse/>

<sup>40</sup> See, for example, Independent, "[RSPB issue appeal for information after hen harrier illegally shot dead on Scottish Moor](#)", 11 August 2015

<sup>41</sup> Uplands Stakeholder Forum, hen harrier sub-group, "[Joint action plan to increase the English hen harrier population](#)", January 2016

<sup>42</sup> Uplands Stakeholder Forum, hen harrier sub-group, "[Joint action plan to increase the English hen harrier population](#)", January 2016

<sup>43</sup> Uplands Stakeholder Forum, hen harrier sub-group, "[Joint action plan to increase the English hen harrier population](#)", January 2016

<sup>44</sup> [RSPB response to the Hen Harrier Action Plan](#), Martin Harper, RSPB, 14 January 2016

Reaction to this, and data on hen harriers for the last ten years, is given in a BBC report covering the story "[Hen harrier action plan has 'failed' says RSPB](#)".<sup>45</sup>

## 2.3 Vicarious liability for wildlife offences

The RSPB and Dr Mark Avery (the co-creator of a petition on grouse shooting) supported the consideration of introducing "vicarious liability" for wildlife crime on grouse moors.

This legislation has already been introduced in Scotland. In essence it would make an employer liable for certain wild bird offences committed by a person under their control, such as a gamekeeper, unless the employer can demonstrate that they took all reasonable steps to prevent the commission of the offence.<sup>46</sup>

The Environmental Audit Committee said in 2012 that "given the scale of ongoing persecution of birds of prey, the current law appears to carry insufficient deterrent weight". It recommended "that the Government evaluates the effect of the introduction of an offence of vicarious liability in relation to raptor persecution in Scotland and considers introducing a similar offence in England and Wales in that light".<sup>47</sup> The then Government responded:

There is already strong legal protection afforded to birds of prey through the provisions of the Wildlife and Countryside Act 1981 where it is an offence to intentionally kill or injure any wild bird; take, damage or destroy the nest of any wild bird while that nest is in use or being built; or take or destroy an egg of any wild bird.

Some birds are further protected by their listing in Schedule 1 to the Act. It is an offence to intentionally or recklessly disturb them while they are building a nest, or are on, in, or near a nest containing eggs or their young. Native raptors are listed in the Schedule and so are afforded this additional protection.

The Scottish Government introduced the concept of vicarious liability for certain offences by an employee or agent through the Wildlife and Natural Environment Act (Scotland) 2011 which inserted a new section 18A into the Wildlife and Countryside Act 1981 (as it applies in Scotland). This provision came into force in January 2012 but it is early days, and as yet there have not been any convictions under the new provisions. While there are no plans to introduce similar vicarious liability offences in England, we will be looking closely at how the new offences in Scotland work in practice and once prosecutions begin to be brought forward it will be possible to start to assess the impact that the introduction of this legislation has made. It is important that such measures are able to deliver a real improvement in the enforcement of wildlife offences if they are to be considered in the shaping of our future wildlife crime policy in England and as yet it is not possible to assess the effect of these measures.

We are happy to review this as soon as suitable statistics are available.<sup>48</sup>

The Law Commission in its [review of Wildlife Law](#) supported the introduction of new offences for wildlife crime, but not the introduction of vicarious liability. Instead it said it would be more "proportionate" to create a new offence "to knowingly cause or permit another person under his or her control to commit" a wildlife crime.<sup>49</sup>

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<sup>45</sup> RSPB Blog, "[Why the RSPB is withdrawing support for the Hen Harrier Action Plan](#)", 25 July 2016

<sup>46</sup> [Wildlife Law Report](#), Law Commission, 2015

<sup>47</sup> Environmental Audit Committee, [Wildlife Crime](#), 12 September 2012

<sup>48</sup> *ibid*

<sup>49</sup> [Wildlife Law Report](#), Law Commission, 2015

However, in recent evidence to the Petitions Committee both the Countryside Alliance and Moorland Association questioned the need for vicarious liability. The representative from the Countryside Alliance said:

In Scotland, so far there have been two prosecutions under vicarious liability and one of those was a game farmer. That is not what this is supposed to be doing. I am not convinced that it is part of the solution. I think it might be a distraction. What we need is better enforcement of what we have on the ground. We need more collaborative work through organisations like the [Raptor Persecution Priority Delivery Group – RPPDG].

Amanda Anderson from the Moorland Association said that the organisation had learned lessons about “due diligence” from the application of vicarious liability in Scotland:

Each estate must be responsible for everything that happens on that estate. We are using the processes that they have put in place to ensure that our membership is fully aware of all the things that they can be doing to tighten up contracts of employment, to look at training and supervision, and to make sure that there is absolutely no room for someone to let us down and that everybody is doing the right thing.<sup>50</sup>

## 2.4 Licensing of grouse moors

While some environmentalists have called for grouse shooting to be banned (see the petition in the next section), others have called for licensing. The RSPB said grouse moors should be licensed “to improve standards in grouse moor management, compliance with the law and encouragement for existing good practice, which should become the norm for all moors in England”.<sup>51</sup> It went on:

This system would recognise high standards where they exist and would allow a focus on driving up standards of landscape management, and predator control across the industry. Breaches of the conditions would be subject to penalties, which could ultimately lead to the withdrawal of the license to run a shoot for a period of years.<sup>52</sup>

The Scottish Government has commissioned a review of gamebird licensing and legislation in other European countries. It said that the review would be published in autumn 2016.<sup>53</sup>

The British Association of Shooting and Conservation said that licensing “does not meet the principles of better regulation, and would have significant unintended consequences”. The organisation stated that there is already sufficient regulation in place to address the issues of concern including the illegal killing of birds of prey. It stated that “inconsistent enforcement” of existing legislation “cannot be used to justify additional regulation”. Its full position [can be found here](#).

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<sup>50</sup> Petitions Committee (jointly with Environment, Food and Rural Affairs Committee), [Oral evidence: Grouse shooting](#), HC 670, 18 October 2016

<sup>51</sup> [RSPB warns driven grouse shooting does not have a future without change](#), RSPB, 12 August 2016

<sup>52</sup> *ibid*

<sup>53</sup> [Briefing for the Public Petitions Committee](#), Scottish Parliament Information Centre, 8 August 2016

## 3. Grouse shooting petitions

### 3.1 Petition to ban grouse shooting

The [e-petition to ban driven grouse shooting](#) petitioned the Government as follows:

Grouse shooting for 'sport' depends on intensive habitat management which damages protected wildlife sites, increases water pollution, increases flood risk, increases greenhouse gas emissions and too often leads to the illegal killing of protected wildlife such as Hen Harriers.

Driven grouse shooting uses animals for live target practice, with thousands killed every day. Native predators are killed because they eat Red Grouse. Mountain Hares are killed because they carry ticks that can spread diseases to grouse. Heather is burned to increase Red Grouse numbers for shooting. Grouse shooting is economically, ecologically and socially unnecessary. This is 'canned hunting'.

Supported by Eduardo Gonçalves, CEO of League Against Cruel Sports, Chris Packham and Bill Oddie.

The petition closed on 21 September with 123,076 signatures. The Government responded that grouse shooting was a "legitimate activity", with social, economic and environmental benefits:

When carried out according to the law, grouse shooting is a legitimate activity and in addition to its significant economic contribution, providing jobs and investment in some of our most remote areas, it can offer important benefits for wildlife and habitat conservation. The Government's position is that people should be free to undertake any lawful activities. However, all those involved are encouraged to follow best practice.

A report by the UK shooting community (Public & Corporate Economic Consultants report 2014: The Value of Shooting) concludes that the overall environmental and economic impact of game bird shooting is positive, and industry has estimated that £250 million per year is spent on management activities substantially benefiting conservation. For grouse shooting in particular, according to the Moorland Association, estates in England and Wales spend £52.5 million each year on managing 175 grouse moors. The industry also supports 1,520 full time equivalent jobs and is worth £67.7 million in England and Wales.

Grouse shooting takes place in upland areas, which are important for delivering a range of valuable "ecosystem services", including food and fibre, water regulation, carbon storage, biodiversity, and recreational opportunities for health and wellbeing. The Government is committed to helping create a more sustainable future for the English uplands, including by protecting peatlands through measures such as the Peatland Code.

With regard to predator control, we welcome the proactive approach taken by game keeping organisations to ensure a sustainable, mutually beneficial relationship between shooting and conservation, for example through the BASC green shoots initiative. Control of grouse predators such as foxes and stoats on shooting estates has a role to play in the recovery of rare or declining species, particularly ground nesting birds. Mountain hares and other tick carrying species such as deer are controlled to reduce disease mortality in infected red grouse chicks. We also recognize that controlling mountain hares and deer is a legitimate practice in other

circumstances: for example, to protect young trees and vegetation or as quarry species.

The Wildlife and Countryside Act 1981 affords protection to all wild birds; despite this, incidents of illegal killing of birds of prey continue, so we have identified raptor persecution as a national wildlife crime priority. Each wildlife crime priority has a delivery group to consider what action should be taken, and develop a plan to prevent crime, gather intelligence on offences and enforce against it. The raptor persecution group, led by a senior police officer, focuses on the golden eagle, goshawk, hen harrier, peregrine, red kite and white tailed eagle and is led by a senior police officer.

The National Wildlife Crime Unit, which is part-funded by Defra, monitors and gathers intelligence on illegal activities affecting birds of prey and assists police forces when required. Despite instances of poisoning and killing of birds of prey, populations of many species, such as the peregrine, red kite and buzzard have increased.

With regard to hen harriers, in January 2016 the Defra led Upland Stakeholder Forum hen harrier sub-group published the Joint action plan to increase the English hen harrier population. This sets out six complementary actions to increase hen harrier populations in England. These actions are individually beneficial, and when combined have the potential to deliver stronger outcomes and contribute to the recovery of the hen harrier population in England. These are:

- 1: Monitoring of populations in England and UK
- 2: Diversionary feeding
- 3: Work with Raptor Persecution Priority Delivery Group (RPPDG) to analyse monitoring information and build intelligence picture
- 4: Nest and winter roost protection
- 5: Southern reintroduction
- 6: Trialling a Brood Management Scheme

The Action Plan sets out who leads on each action and the timescale and benefits of each. The plan was developed with senior representatives from organisations best placed to take action, including Natural England, the Moorland Association, the National Gamekeepers' Organisation, the Game & Wildlife Conservation Trust, National Parks England and the RSPB. These organisations will now take the plan forward led by Natural England. They will monitor all the activities carried out and report annually on progress to the Defra Uplands Stakeholder Forum and the UK Tasking and Co-ordinating group for Wildlife Crime.<sup>54</sup>

### 3.2 Petition to protect grouse shooting

Another e-petition, to [Protect grouse Moors and grouse shooting](https://petition.parliament.uk/petitions/125003), petitioned the Government as follows:

Grouse moors and grouse shooting are an integral part of moorland management both for the grouse and other native wildlife such as lapwing and curlew it also helps support of local businesses and jobs in the local areas this cannot be banned.

The petition had 19,421 signatures on 11 October 2016. The petition closes on 15 February 2017.

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<sup>54</sup> <https://petition.parliament.uk/petitions/125003>

The Government responded to the petition:

Grouse shooting is a legitimate activity that provides economic benefits, jobs and investment in some of our most remote areas and can offer important benefits for wildlife and habitat conservation.

A report by the UK shooting community (Public & Corporate Economic Consultants report 2014: The Value of Shooting) concludes that the overall environmental and economic impact of game bird shooting is positive; the industry has estimated that £250 million per year is spent on management activities substantially benefiting conservation. For grouse shooting in particular, according to the Moorland Association, estates in England and Wales spent £52.5 million on managing 149 grouse moors for shooting in 2010. Scottish landowners manage a further 150 moors for shooting grouse. The industry also supports 1,520 full time equivalent jobs and is worth £97.7 million across Great Britain.

Grouse shooting takes place in upland areas, which are important for delivering a range of valuable "ecosystem services", including food and fibre, water regulation, carbon storage, biodiversity and recreational opportunities for health and wellbeing. The Government is committed to helping create a more sustainable future for the English uplands, including by protecting peatlands through measures such as the Peatland Code.

The Government welcomes the proactive approach taken by game keeping organisations to ensure a sustainable, mutually beneficial relationship between shooting and conservation, for example through the British Association for Shooting and Conservation's green shoots initiative.

The Government recognises the benefits that grouse shooting, and shooting more widely, bring to individuals, the environment and the rural economy. It is for these reasons that the Government believes shooting and other country pursuits such as hunting and fishing should be protected.<sup>55</sup>

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<sup>55</sup> <https://petition.parliament.uk/petitions/164851>

## 4. Petitions Committee debate and evidence

The Petitions Committee scheduled a debate on the grouse shooting e-petitions on Monday 31 October 2016 at 4.30pm in Westminster Hall. The debate, led by Steve Double MP, a member of the Petitions Committee, is on the motion "That this House has considered e-petitions 125003 and 164851 relating to driven grouse shooting."

The Committee decided to take evidence on grouse shooting before the debate. It asked for evidence on:

- Should the law on grouse shooting be changed? If so, how?
- What effect does grouse shooting have on wildlife and the environment?
- What role does grouse shooting play in rural life, especially the rural economy?<sup>56</sup>

A significant amount of written evidence was received by the Committee from a diverse range of individuals and organisations, both for and against driven grouse shooting. The evidence can be found [on its website](#).

### Evidence session

The Committee took oral evidence on 18 October 2016. The witnesses were: Dr Mark Avery, petition creator; Jeff Knott, Head of Nature Policy, RSPB; Amanda Anderson, Director, The Moorland Association; and Liam Stokes, Head of Shooting, The Countryside Alliance.

Some of the points raised during the evidence session are described below. Please consult the transcript [on the Committee website](#) for full information.

At the start of the session Dr Mark Avery explained why he had started his petition:

Driven grouse shooting has five main problems with it. It has animal welfare problems, nature conservation problems, wider environmental problems, wildlife crime problems and problems of social inequity. That is a unique combination of problems. They do not apply to other aspects of shooting. I feel, and clearly 123,000 other people feel, that something has to change. The driven grouse shooting industry has shown no sign of wanting to reform. It is up to Parliament to create that change.<sup>57</sup>

The Jeff Knot from the RSPB explained why the RSPB did not support a ban on grouse shooting, but instead supported a licencing system:

First, it is important to say that the RSPB is neutral on the ethics of sport shooting. We only get involved in questions around shooting where there is an impact on the objects of the society, and that generally means conservation impacts. We favour licencing as the option because we agree with much of Mark's case around why

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<sup>56</sup> <http://www.parliament.uk/business/committees/committees-a-z/commons-select/petitions-committee/inquiries/parliament-2015/grouse-shooting-16-17/>

<sup>57</sup> <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/petitions-committee/grouse-shooting/oral/41553.html>

change is necessary: that intensive driven grouse shooting as currently practised is environmentally damaging in a range of ways [.]

We favour licensing as an option because we think that all legislative tools have not yet been tried and that you should do that first. Licensing we think has the potential to drive up standards within the shooting industry, to the point that we are delivering benefits for the widest possible range of people, wildlife and the environment, rather than simply eliminating it.<sup>58</sup>

Jeff Knot from the RSPB went on to explain how they envisaged the licencing system to function. Dr Mark Avery was sceptical that a licencing system would address the problems that he had identified.<sup>59</sup> However, both witnesses supported the consideration of introducing “vicarious liability” for wildlife crime on grouse moors (see previous section).

Jeff Knot from the RSPB stated that change was needed and that the Government should review the evidence that had been presented on grouse moors and develop some proposals accordingly:

I would now like to see the Government clearly acknowledge that we have a problem here; and that, for the good that some grouse moors do, and undoubtedly there is some, there are significant problems. We have explored some of them, but we have barely scratched the surface of them here today, in a very limited time.

I would like to see the Government commit to looking really carefully and in more detail at the evidence underpinning all the various arguments we have heard already and will hear in the next session, in a more detailed way, coming up with some real recommendations for how we are actually going to move things forward. As I say, the two things that are really clear to me are that change is needed—driven grouse shooting must evolve if it is going to be considered a legitimate part of our uplands, moving forward—and that, to do that, we will have to look really carefully at legislative options.<sup>60</sup>

Amanda Anderson for the Moorland Association pointed to the work that had been done voluntarily by grouse moor managers to protect and restore peatlands and to maintain suitable habitats for grouse. She said that the “Government have been taking this very seriously and we have an agreed blanket bog restoration strategy” and that “our members are absolutely at the forefront of fixing the peat”.<sup>61</sup>

Both the Countryside Alliance and Moorland Association rejected the need for new legislation. Liam Stokes of the Countryside Alliance said “there are an awful lot of pieces of legislation that already apply to heather management”. He went on:

There are the 2007 burning regulations that would introduce fines if heather is burned inappropriately, leading to bare soils. Section 28 of the Wildlife Countryside Act says you cannot burn a SSSI without a licence from Natural England. Some 70% of upland SSSIs are grouse moor. There is a lot of legislation that is already governing what can go on. There is a fabulous line in the National Gamekeepers Organisation submission from a gamekeeper who works on a Natural England moor, who says you cannot sneeze on his moor without a licence from Natural England.<sup>62</sup>

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<sup>58</sup> *ibid*

<sup>59</sup> *ibid*

<sup>60</sup> *ibid*

<sup>61</sup> *ibid*

<sup>62</sup> *ibid*

Regarding the illegal killing of birds of prey, Liam Stokes of the Countryside Alliance said that “there is an issue on grouse moors” and that “[n]obody is denying that”. However he stated that the problem would be “solved through collaboration” and that “it is not going to be solved through a top-down approach”. He went on that the action plan on hen harriers had only been in place since January 2016:

We have not even been through one breeding season yet. We cannot begin to talk about whether this has been successful. We have not gone into the brood management. We have not started any of these adaptive management approaches to be able to see whether they have been successful. We are not sitting in front of you saying there is no problem. We are saying that we need to come up with a solution that is actually going to deliver results for these raptor populations.

The Countryside Alliance and Moorland Association also raised concerns about the impact of alternative land uses should grouse shooting be banned. Liam Stokes said:

The honest answer is that we just do not know what would happen if we did away with grouse shooting. If we covered the uplands with wind turbines, if we covered them with sheep, if we covered them with Sitka spruce, we do not know what the economic result would be. We cannot sit here and say, “This is definitely what would happen.” We can say that these are definitely the benefits of grouse moorland management, and you would be doing away with them and hoping something better would come in its place.<sup>63</sup>

## 5. Further information

The House of Commons Library has prepared a debate pack containing useful resources such as press notices and newspaper articles. The pack can be found on the UK Parliament website [here](#).

More evidence and opinion on grouse shooting can be found in these documents:

- [A Review of Sustainable Moorland Management](#), Report to the Scientific Advisory Committee of Scottish Natural Heritage, October 2015;
- [Grouse shooting and management in the United Kingdom: its value and role in the provision of ecosystem services](#), British Association for Shooting and Conservation, 2015;
- [The Intensification of Grouse Moor Management in Scotland](#), The League Against Cruel Sports, October 2015.

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