



## **The DEFRA Hen Harrier Emergency Action Plan – Year 1 Assessment**

### **Background**

The Hen Harrier *Circus cyaneus* is listed on annex 1 of the EC Birds Directive, is a Red-Listed Species of Conservation Concern in the UK and is fully protected in the UK under the Wildlife & Countryside Act 1981. The species also has the dubious honour of being England's most persecuted bird of prey. The issue of persecution has been very well documented, including the following statements:

*“There is compelling evidence that persecution continues, both during and following the breeding season. Persecution continues to limit Hen Harrier recovery in England”.*

A Future for the Hen Harrier in England? Natural England 2008.

*“The Hen Harrier is facing extinction as a breeding species in England”.*

Operation Artemis [The Police response to Hen Harrier Persecution 2004]

The facts behind these references still apply today. Hen Harrier persecution is a criminal offence, punishable by imprisonment. Despite this, Defra and Natural England's preferred method of addressing this criminality has always been firstly, to treat the problem as a 'conflict between Hen Harriers and Red Grouse'. This is not the case. The problem lies entirely with individuals within the driven grouse shooting industry who have a total disregard for the law. Secondly, they continue to try to reach an accommodation with those responsible for the persecution by supporting a call for a limit on the breeding population by the industry as a 'reward' for stopping the killing.

The prospect of the Government negotiating with criminals over the terms and conditions under which they will stop their criminal activities is an anathema to conservationists and all right minded people alike. Nonetheless they have ploughed on with a 'let's negotiate' philosophy.

Decades of debate and dialogue produced nothing. Undeterred the Government [Defra and Natural England], conservationists [including the RSPB and Raptor Workers representing NERF] and the grouse shooting lobbyists [Moorland Association, Countryside Alliance and BASC et al] embarked on a new round of discussions facilitated by the Environment Council.

During this process independent research undertaken by some of the UK's leading bird of prey academics concluded that there is sufficient suitable habitat in England to support in excess of 300 breeding pairs. However; the five-year average, 2011 -2016, reveals that there were just 3 successful pairs per year. In 2013 there were no breeding pairs at all in England; the devastating prediction made by Operation Artemis was realised. The cause remains persecution by criminals employed in the grouse shooting industry.

Several more years of fruitless discussions passed; the killing continued and there was no progress made towards ending persecution, despite the fact that the conservation groups were willing, albeit through gritted teeth at times, to compromise on several of the suggested proposals put forward. Regrettably the shooting lobby always wanted more and more concessions. Whether the Hen Harrier Dialogue ever had any chance of succeeding or whether it was simply a shooting lobby filibustering exercise is open to conjecture. Whatever the answer to that question disappointingly the Dialogue ended in failure although in reality that outcome came as a surprise to no one on the conservation side of the process.

Undeterred by years of failure to achieve a positive outcome through discussion, in 2014 Defra started the process all over again, this time as a sub-group of the Upland Stakeholder Group. Unfortunately NERF, despite being a PAW Partner, a member of the Raptor Persecution Priority Delivery Group and participants in the Environment Council's Hen Harrier Dialogue, were refused a seat on this Group. After two years consultation in January 2016 Defra published the eagerly awaited '*Joint Action Plan to Increase the English Hen Harrier Population*'.

### **The Defra Hen Harrier 'Plan'**

The 'Plan' sets out a series of six actions that would lead to a successful outcome and indicated the criteria which would be used to confirm that success had been achieved. With some caveats NERF both welcomes and supports four of the six action points.

#### **Action 1 – monitoring populations in England & UK**

NERF broadly supports this action.

Historically the vast majority of Hen Harriers in England breed in the northern uplands. NERF members have considerable experience, over many decades, in monitoring Hen Harriers at both their breeding sites and on their winter roosting grounds. NERF's field based observations play a major part in understanding population dynamics.

The Plan refers to '*continuation of monitoring of Hen Harriers*' yet it makes no mention of the invaluable, voluntary contribution that Raptor Workers make to this process. This is a mistake and that contribution should be acknowledged, not to assuage the sensitivities of Raptor Workers but to ensure that all of the conservation NGOs have a positive input to the monitoring process. The Plan only refers to the contribution that Natural England volunteers make. Whilst they fulfil a very valuable role the small number of individuals engaged in monitoring cannot cover the thousands of square kilometres of habitat available to Hen Harriers. NERF groups make a significant contribution to essential surveying and monitoring.

#### **Action 2 – Diversionary Feeding**

NERF broadly supports this action.

Diversionsary / supplementary feeding has been trialled extensively and shown to be successful in reducing predation of Red Grouse chicks during the breeding season. Whilst some Hen Harriers readily take to supplementary feeding this is not the case for all pairs. Nonetheless where grouse moor owners perceive that there will be an unacceptable negative commercial impact by Hen Harriers on Red Grouse numbers they should be encouraged to implement the scheme. Regrettably it appears that some members of the grouse shooting industry are less than enthusiastic about the scheme.

It is clear from the evidence that diversionsary feeding could reduce predation of Red Grouse chicks which will therefore be of commercial benefit to grouse moor owners. Grouse moor owners receive 10s and in many cases 100s of thousands of pounds in grant aid from the state annually. We are constantly told by the grouse shooting organisations that the industry is vital to the rural economy valued at c£67.7 million annually [Savills]. Diversionsary feeding only benefits the interests of the grouse moor owners, on commercial grouse shoots. We are told that it is done to mitigate against financial loss. On non-commercial, 'friends and family,' shoots there is no commercial loss. Yet in both cases the funding for the scheme is borne by the tax payer at the current cost of £1150 per Hen Harrier brood provisioned. Grouse shooting is a minority sport undertaken for profit or pleasure and NERF believes supplementary feeding should be regarded as a quite modest business 'on-cost' funded by the beneficiaries of the scheme and not by the wider general public through taxation.

Action 3 – Work with the Raptor Persecution Priority Delivery Group to analyse monitoring information and build the intelligence picture.

NERF is a member of the RPPDG and fully supports this action.

The National Wildlife Crime Unit has been engaged with this priority since 2004. It is incumbent on all organisations, both Governmental and NGOs, who are engaged in the prevention and detection of Bird of Prey persecution to assist the National Wildlife Crime Unit and local Wildlife Crime Officers.

Bird of Prey persecution continues apace and the plight of Hen Harriers in England remains unchanged despite being a priority species. It is clear that more needs to be done by the RPPDG.

NERF has concerns that the continued downward pressure on policing budgets will push wildlife protection further down the list of local policing priorities. Several of the NERF members Groups already have little or no contact with nominated Wildlife Crime Officers. Further financial constraints will only exacerbate the problem and do little to protect Hen Harriers from persecution.

In relation to Hen Harrier persecution it is clear that the greatest potential source of information is to be found from within the shooting industry. NERF expects the representatives of the industry to work tirelessly with their members to assist both local Police Forces and the NWCU to build the intelligence picture and assist with prosecuting offenders when they are put before the courts.

NERF proposes that members of the RPPDG who cannot demonstrate compliance with this action should forfeit their position on the Group.

#### Action 4 – Nest and winter roost protection.

NERF fully supports this action.

NERF members undertake hundreds of hours of self-funded monitoring of Hen Harriers annually. In spring and early summer the uplands are surveyed for prospecting and breeding birds. In the event that a breeding attempt is located NERF members have been one of several groups who provide nest protection. Northern England sees an influx of Hen Harriers in early autumn and NERF members continue roost monitoring and protection throughout the winter until the birds return to their breeding grounds.

NERF has undertaken these activities for decades and the work will continue. The current Defra Upland Stakeholder Action Plan specifically states "*Raptor groups should be able to support any necessary action in the field at nest and roost sites*". Given that the MA have signed up to the Action Plan then we assume that respective local RSGs will be welcomed and involved in nest site protection and monitoring on grouse moor estates.

#### Action 5 – Southern reintroduction

NERF has serious concerns with this action and cannot support it under the current circumstances.

On completion this action is estimated to cost a total of £515k, comprising of £74k for the preparatory stage and a further £441k for the actual release. Sceptics could be forgiven for thinking that this estimate will increase over time. In these times of severe austerity, which continues to affect Natural England, NERF believes that this funding would be better spent on persecution prevention and law enforcement in the Hen Harrier's heartland in the Northern Uplands.

There is a presumption implicit in this action that the south west is a safe zone for breeding Hen Harriers. However; there is doubt amongst Raptor Workers that this is in fact the case. It should be remembered that the satellite tagged bird named Burt 'disappeared' in that area.

#### Action 6 – Trialling a Brood Management Scheme

NERF opposes this action.

There is sufficient habitat in England to support in excess of 300 breeding pairs of Hen Harriers. Both the Bowland and the North Pennine Moors SPAs are designated for 13 and 11 pairs of

Hen harriers respectively. Both continually fail to meet these designations and the cause of that failure is predominantly persecution by individuals connected with grouse moor management.

Hen Harriers nests are very well protected and the risks associated with that aspect of the breeding season have for all intents and purposes been eliminated. The main threat to adults and fledglings occurs away from the nest, especially during the winter roosting period. Removing eggs / chicks from nests only to return fledglings to the moors will do nothing to prevent persecution. History shows us that the young birds will join the ‘disappeared’ once they leave the fells in late summer. Despite assurances to the contrary, brood management will not increase the Hen Harrier population unless persecution stops throughout the year.

Brood management may reduce the predation of Red Grouse chicks during the breeding season. However this will only benefit the commercial grouse shooting industry, which as we already know from Savills data is worth £67.7 million annually.

The proposal to introduce brood management is tantamount to Defra and Natural England accepting that Hen Harrier persecution is out of control and that they, and the Police, are powerless to change the situation. Brood management is the fall-back position which puts the grouse shooting industry in the driving seat when it comes to the fate of Hen Harriers in the Northern Uplands.

The projected cost for the five year trial is £875k, to be paid for from general taxation. Within the trial Defra does not indicate either timescales or population numbers in their ‘success criteria’ which NERF considers to be a major omission. Instead Defra states that success will be achieved when:

*“The Hen Harrier has a self-sustaining and well dispersed breeding population in England across a range of habitats including a viable population in the Special Protected Areas designated for Hen Harrier, and,*

*The Hen Harrier population coexists with local business interests and its presence contributes to a thriving rural economy.”*

These are rather nebulous measurements to the point of being not fit for purpose. The second measure of success places the burden for the failure to ‘*coexist with local business interests*’, which is a euphemism for driven grouse shooting, upon Hen Harriers. In reality the failure is the reverse of that statement. Driven grouse shooting consistently demonstrates that it is the industry that refuses to coexist with Hen Harriers.

It is NERF’s belief that:

- the scheme is ill conceived in its current form
- it is unlikely to benefit the Hen Harrier population unless persecution ends
- the money, £1.39 million for the whole project, could, and should, be spent on enforcing current legislation
- the brood management plan, which is due to start in 2017, should be abandoned until the Northern Uplands contain 25% of the predicted carrying capacity along with

tangible evidence that persecution has ceased. At that point the proposal could be reintroduced for consideration

### Conclusion

At the end of its first year The Joint Action Plan has demonstrably failed. There were only three successful nests in 2016, none of which were on grouse moors. Several of the satellite tagged birds from the 2016 cohort are dead and two are known to have been shot. What has happened to the remainder is a matter of speculation.

The Defra Joint Action Plan is, in NERF's view, unworkable. It should be abandoned forthwith and the funding, from the public purse diverted to monitoring and law enforcement.

Several other options have been proposed by conservationists that would be beneficial for protecting this iconic species. The introduction of vicariously liability for grouse moor owners and managers, the introduction of licensing for grouse moors and the banning of grouse shooting have been suggested. All of these proposals have been dismissed by Defra with little or no debate leaving NERF members with the suspicion that the Government has no appetite to effectively fulfil their legal obligations towards the EU designated Special Protection Areas and more generally to prevent and detect crime to eliminate Hen Harrier persecution.