

Report of the Strategic Director of Regeneration and Culture to the meeting of Environment and Waste Management Overview and Scrutiny Committee to be held on 28th July 2015.

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Subject: 24 month update report on review of Ilkley Moor sporting deed.

Summary statement:

A comprehensive review of the sporting rights deed which allows grouse shooting on Ilkley Moor was carried out by this Committee during 2012-13. The review resulted in a number of recommendations regarding the deed. This report updates the Committee on progress 2 years after the review concluded.

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**Overview & Scrutiny Area: Environment and
Waste Management**



1. SUMMARY

- 1.1 The ten-year agreement between the Council and the Bingley Moor Partnership which allows them to undertake grouse shooting on Ilkley Moor was reviewed by this Committee at its 5-year mid-point in July 2013. The review report made a number of recommendations and this report provides a 24 month update on progress. It also updates members on further developments with regard to the sporting rights deed which have arisen since the last update report 12 months ago.

2. BACKGROUND

- 2.1 The Council owns Ilkley Moor, one of the key rural assets in the District. In 2008 it was agreed that the rights to shoot grouse on the moor should be let to the neighbouring moor owners, the Bingley Moor Partnership (BMP). A “sporting rights deed” was subsequently drafted and has been in place since then. This allows the BMP to carry out grouse shoots on Ilkley Moor on up to 8 days per season (August to December) in return for payment of a fee and assistance with the management of the moor.
- 2.2 At the mid-point in the agreement term (5 years), this Committee undertook a review to investigate the impact of the deed on the management of the moor and the people who visit and enjoy it. The review concluded that the deed should be allowed to continue to its end-point in 2018, subject to a number of recommendations relating to the operation of the shoots and some wider concerns. These recommendations are set out as Appendix 1 and were also set out in the review report document (see background documents).
- 2.3 In July 2014, a 12 month update report was brought back to this Committee so that Members could assess progress on the recommendations. Progress was reported on all but one of the recommendations. This report represents a 24 month update on progress against the same recommendations. It also updates Members on other matters relating to the shoot which have arisen since the last update report. Appendix 1 lists the recommendations from the original review and details progress against each after 24 months.

3. OTHER CONSIDERATIONS

- 3.1 Around the time that the 12 month review update report was being considered, a petition was submitted to the Council from a group called “Ban Bloodsports on Ilkley Moor”, asking the Council to withdraw the shooting rights. This was received by Full Council and referred to this Committee, which considered the petition in September 2014 and concluded that the outcome of the review be upheld and that the deed should continue. This was further considered by Executive Committee in February 2015 and the same conclusion reached, subject to a “no trapping” clause.



3.2 The table below sets out the sequence of events to date:

June 2008	Council signs Sporting Deed for rights to shoot grouse on Ilkley Moor with Bingley Moor Partnership
Feb-July 2013	Environment and Waste Management Overview and Scrutiny Committee undertakes review of the sporting deed
July 2013	Review concludes that deed may continue, subject to a number of recommendations. Review report published.
September 2013	Review report noted by Executive Committee
July 2014	12 month update report outlining progress on recommendations taken to Environment and Waste Management Overview and Scrutiny Committee and noted
July 2014	Petition submitted by “Ban Bloodsports on Ilkley Moor” campaign – received by Full Council and referred to Environment and Waste Management Overview and Scrutiny Committee
September 2014	Environment and Waste Management Overview and Scrutiny Committee consider petition and recommends that the deed continues through to its end date in 2018
October 2014	Above recommendation referred to Executive Committee – further report requested
February 2015	Further report considered by Executive Committee – decides to allow the shoot to continue to its end date, subject to withdrawal of the right to use traps on the moor.
July 2015	Further petition from same campaign to be received by Full Council
July 2015	24 month update to Environment and Waste Management O&S on Review of the sporting rights deed.

3.3 Following the Executive decision to allow the sporting rights deed to run to its end date in 2018, the “Ban Bloodsports on Ilkley Moor/Stop The Shoot” campaign have submitted a further petition which, at time of writing this report, is to be received by Full Council in July. By the time this report is considered, Council will have decided whether to refer the petition on to another Committee or not. Current understanding of the latest petition is that it repeats the same request as previously, and does not raise any new issues.

3.4 In addition to the submission of the petition, the campaigners have recently written to the Strategic Director of Regeneration and Culture and the Executive Member for Planning, Transportation and Highways asking that the decision not to publicise shoot dates in advance be re-considered. They state that users of the moor need this information in order to make an informed decision whether to visit the moor whilst shooting is occurring. A key consideration in deciding whether to release the dates or not, is the prospect of repeated protest and disruption by anti-shoot campaigners whilst the shoots are in progress on the moor. This occurred last



season and it is understood that the same is planned again this season. Before responding to these letters, officers are meeting with West Yorkshire Police to seek their latest advice and will be briefing the Executive Member. At the time of drafting this report, these discussions had not taken place but a verbal update on this issue is proposed at Committee.

4. FINANCIAL & RESOURCE APPRAISAL

4.1 There are no significant financial implications arising from the update.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

5.1 The campaign to lobby the Council against the shoot has generated a significant amount of negative publicity in relation to the moor and the Council. This may continue as long as the sporting rights deed is in place.

5.2 The recommendation relating to publication of shooting dates, if implemented, has potential public order implications relating to organised protests. This is further detailed in Appendix 1.

6. LEGAL APPRAISAL

6.1 None

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

None

7.2 SUSTAINABILITY IMPLICATIONS

The review recommendations support the sustainable management of the moor

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

None

7.4 COMMUNITY SAFETY IMPLICATIONS

None

7.5 HUMAN RIGHTS ACT

None

7.6 TRADE UNION



None

7.7 WARD IMPLICATIONS

The moor lies entirely within the Ilkley Ward

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

N/A.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

9.1 Option1: note the action taken on the review recommendations

9.2 Option 2: note the action taken on the review recommendations and request further action on specific items, plus an update report

10. RECOMMENDATIONS

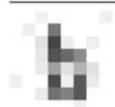
The views of the Committee on the options set out in Section 9 above are sought.

11. APPENDICES

Appendix 1: Table of Review Recommendations and 24 month update

12. BACKGROUND DOCUMENTS

Environment and Waste Management Overview and Scrutiny Committee;
"Scrutiny Review of Ilkley Moor Sporting Rights Deed" July 2013



APPENDIX 1: ILKLEY MOOR GROUSE SHOOT REVIEW RECOMMENDATIONS

CROW = Countryside and Rights of Way Service
 FOIM = Friends of Ilkley Moor
 NE = Natural England

BMP = Bingley Moor Partnership
 CBMDC = Bradford Council
 HLS = Higher Level Stewardship agreement

Recommendation	Action	Outcome/progress
<p>Recommendation 1 The committee recommends Bradford Council to ring fence income from the deed to the Countryside and Rights of Way Service to undertake further moorland management work as required across the District.</p>	CROW	Completed. Rental income is ring fenced to CROW budget
<p>Recommendation 2 The committee recommends that Asset Management be instructed to undertake a Rent Review as set out in the Sporting Rights Deed as soon as possible.</p>	CBMDC	Rent review undertaken on schedule. Recommendation is index-linked rise which increases fee income to £12,000pa from £10,000pa
<p>Recommendation 3 The committee recommends that Bradford Council's Countryside and Rights of Way Service review and update the Management Plan for Ilkley Moor to include not only bird population and their habitat but also:</p> <ul style="list-style-type: none"> • full range of bio-diversity, • flood alleviation; • re-wetting the moorlands. 	CBMDC, FOIM, BMP, NE	<p>Management Plan reviewed – draft copy currently with Natural England. It is intended that the Plan will form the blueprint for the future management of the moor beyond 2018 and that Natural England will consent it on a long-term basis.</p> <p>The future management of the moor and how the plan responds to issues such as carbon capture, climate change, heather burning, recreational impacts etc. could, if the Committee wish, form a separate future item for presentation to/consideration by the Committee –possibly before the Management Plan is finally adopted.</p>

<p>Recommendation 4 The committee recommends that there be further dialogue between Bradford Councils Countryside and Rights of Way Team, Bingley Moor Partnership and Natural England to clarify and come to an agreed consensus on the correct relationship between the Higher Level Stewardship Agreement and the Sporting Rights deed.</p>	<p>CBMDC, BMP, NE</p>	<p>NE have made the relationship between the HLS and Sporting Rights deed clear. This has been communicated to all parties as follows:</p> <p>“The Ilkley Moor Management Plan is the common thread in all the consents in relation to the management works and practices on the moor. The delivery of the HLS agreement’s Indicators of Success are necessary to move the site towards Favourable Condition. If the sporting lease was not renewed Natural England would still expect the HLS agreement’s Indicators of Success and associated Management Plan works to be delivered in accordance with the terms and conditions set out in that agreement. As the consent for grouse shooting is not a condition under the HLS agreement it would not affect it’s terms of condition, however, we will still need to be reassured that the joint grazing agreements are in place and that Bradford Council have full control of all relevant management practices that would allow the HLS and Moorland Management Plan deliver its environmental objectives.”</p>
<p>Recommendation 5 The committee recommends that the :</p> <ul style="list-style-type: none"> • Bingley Moor Partnership provides public relations training for its gamekeepers; • Bingley Moor Partnership work with Bradford Countryside and Rights of Way team to explore other areas of Ilkley Moor where members of the public can run their dogs freely, without causing distress to ground nesting birds. 	<p>CROW, NE, FOIM</p>	<ul style="list-style-type: none"> • Training session held with gamekeepers in November 2013. No further incidents have been reported since then. • Most parties (including FOIM) felt sceptical that specifically designated “dog areas” would work. To some extent this is already happening as there are certain routes on the lower edges of the moor used almost exclusively by dog walkers (2013 visitor surveys confirm this). Generally agreed that more educational work is required to ensure reduction in disturbance by dogs.

<p>Recommendation 6 The committee recommends that whenever a Shoot occurs, Bingley Moor Partnership should:</p> <ul style="list-style-type: none"> • provide advance warning that shooting is to take place through the local press, comprehensive signing on the Moor, information in libraries and on social media sites; • inform local walking groups of the dates/times for the shoots and the area(s)/footpaths affected; • consider appointing safety personnel whose responsibilities might include patrolling the paths near the shoot and warning walkers of the dangers. 	<p>BMP</p> <p>CROW</p>	<p>The Council’s current position (at time of writing) is not to publicise the dates of shoots in advance. This is based on police advice and subsequent legal view. The stance is to avoid or minimise public disorder when shoots occur on Council land.</p> <p>A possible compromise is that a general statement is publicised – see Recommendation 7 below</p> <p>On the shoots themselves, it is generally felt that the arrangements in place in terms of advance warning (marshalls, willingness to stop shoots to allow through access) are adequate and that this hasn’t been a significant issue in the past.</p>
<p>Recommendation 7 The committee recommends that Bradford Council should also assist in awareness raising of when a shoot takes place by publishing shoot dates and information on the Councils website.</p>	<p>CROW</p>	<p>Given the decision not to publicise shoot dates, a more general statement could be placed on the Councils website stating the following:</p> <p>“The Council currently allows neighbouring moor owners onto Ilkley Moor on up to 8 days per season to drive and shoot grouse, as part of an agreement between the two parties. Consequently, between 12th August and 10th December in any year (whilst this agreement is in place), visitors to the moor may occasionally encounter grouse shooting on the upper parts of the moor. These take place during the week and will not operate at weekends or on public holidays. It will be apparent that this is taking place and all drives are marshalled. If you are in the vicinity of a drive or shoot, you will be notified by employees and</p>

		asked to wait until the drive has gone through. If you do not wish to wait, the drive will be halted and you will be able to pass through until safely distant.”
<p>Recommendation 8 The committee recommends that the Bingley Moor Partnership and Bradford Council’s CROW Service explore alternative techniques to control bracken, which do not have an adverse impact on the environment.</p> <p>Replaced by: <i>“The committee recommends that should Asulam not be re-licensed, the Bingley Moor Partnership and Bradford Council’s Countryside and Rights of Way Service explore alternative techniques to control Bracken, which do not have an adverse impact on the environment and follow guidance from Natural England”</i></p>	CROW /BMP	Completed – Asulam was re-licensed for 2014 and 2013 and can legitimately be used whilst re-licensed. Alternative chemical and mechanical techniques explored and can be implemented if necessary, but not as effective over a wide area.
<p>Recommendation 9 The committee recommends that Bradford Councils Countryside and Rights of Way Team undertake annual surveys in conjunction with Bingley Moor Partnership and other naturalist groups, to gather data, allowing for informed decisions to be made in future years.</p>	CROW	This is being addressed in the revised Management Plan. NE have undertaken bird surveys on the moor during 2014 and this data will inform future management approaches.
<p>Recommendation 10 Bradford Council’s Environment and Waste Management Overview and Scrutiny</p>	CROW CBMDC	See attached report – 24 month update.

<p>Committee to receive a report back in 12 months which monitors progress against all the recommendations contained within this scrutiny review.</p>		
<p>Recommendation 11 This Environment and Waste Management Overview and Scrutiny Committee recommends that subject to the review recommendations being considered and approved by the Council's Executive and being acceptable to Bingley Moor Partnership, that consent be sought from Natural England for the renewing of the licence to shoot for a further five years.</p>	<p>CROW</p>	<p>Consent currently being sought from NE (via Management Plan)</p>