



**Report of the Environment and Waste Management
Overview and Scrutiny Committee**

July 2013

Membership of the Environment and Waste Management Overview and Scrutiny Committee

2012-13

Current

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Cllr Kevin Warnes, (Deputy Chair).
Cllr Zameer Shah.
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Members

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Cllr Michael Ellis.
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Cllr Nazam Azam.
Cllr Arshad Hussain.
Cllr Gill Thornton.
Cllr David Gray.
Cllr Hawarun Hussain.

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Chair's Foreword

I am pleased to present this report of a scrutiny review undertaken by the Environment and Waste Management Overview and Scrutiny Committee into the Ilkley Moor Sporting Rights Deed.

I would like to thank the Friends of Ilkley Moor and Bingley Moor Partnership for their detailed contribution to this process, and also all the other consultees who made a valuable input to the review.

I would like to thank the members of the committee for their sustained commitment throughout this process, as well as officers who have supported the committee throughout the scrutiny review.

As is the case with all scrutiny review reports, this report is a snapshot in time, looking at the services in question knowing that situation changes and develops over time.

Councillor Martin Love
Chair, Environment & Waste Management Overview and Scrutiny Committee

Chapter 1 – Introduction

Background

As part of its work the Environment and Waste Management Overview and Scrutiny Committee set out to undertake a detailed scrutiny review of the Ilkley Moor Sporting Rights Deed. The Committee's Terms of reference are attached as Appendix 1.

The Scrutiny Process

Members have received and gathered a range of information from a number of different sources, including:

- Bradford Council's Countryside and Rights of Way Service;
- Bradford Council's Tourism Service;
- Friends of Ilkley Moor;
- Bingley Moor Partnership;
- Ilkley Ward Councillors;
- Natural England;
- Wharfedale Naturalists;
- Ilkley Parish Council;
- West Yorkshire Joint Services Archaeology and Ecology;
- Ramblers Association.

Details of the information gathering session are attached as Appendix 2.

Overall Aim

The key aims of this scrutiny are to investigate the:

- impact of the moorland management work undertaken by the Bingley Moor Partnership, the Council (through the Countryside and Rights of Way Service) and the Friends of Ilkley Moor;
- economic aspects of the Moor and the shoot;
- operation of the shoot and the interface between it and the public;
- terms for the lease and whether they are fit for purpose;
- views of key agencies, representative bodies and users of the moor.

Chapter 2 - Local Context

Background

Ilkley Moor is owned by the City of Bradford Metropolitan District Council. The Moor was transferred to Bradford Council in 1974 after the Local Government organisation and the Moor is managed by the Councils Countryside and Rights of Way team.

Ilkley Moor sits as part of a wider block of moorland which is collectively called Rombalds Moor and Rombalds Moor consists of several other Moors which are privately owned and largely run for grouse shooting, which are owned and organised by Bingley Moor Partnership.

A local syndicate organised grouse shooting from 1974 to 1997 and in 1997 a decision was taken not to renew the grouse shooting licence. This was followed by a 10 year period when there was no shooting on the Moor and the moorland habitat management was undertaken by Bradford Councils Countryside service.

Following the fire in 2006 which affected the western side of the Moor, there had been a lot of discussion about:

- the management of the Moor and the best way to manage the Moor in the future;
- how to bring more resources into the management of the Moor.

The Sporting Rights Deed

Various options for managing the Moor were explored, resulted in the Council agreeing to retain the ownership of the Moor, but to receive extra management input into the habitat of the Moor by re-letting the shooting.

Since the re-letting of the shooting rights to Bingley Moor Partnership in 2008, as part of the deed, employees of the Bingley Moor Partnership also help to manage the Moor.

A sporting deed which allows grouse shooting to take place on Ilkley Moor commenced in 2008. The deed is between City of Bradford Metropolitan District Council and the Bingley Moor Partnership who own and manage most of the surrounding land.

The deed runs for a period of ten years and allows the Partnership to drive and shoot grouse on Ilkley Moor for up to eight days per season (between August and December).

The deed includes a break clause whereby at any time after five years (May 2013) either party may give six months notice in writing that they wish to end the agreement.

Generally there would be five shoot visits in a year, with each shoot visit lasting from 9.30am to 11.30am.

Chapter 3 – Findings and Recommendations

This report presents the findings and conclusions of the Environment and Waste Management Overview and Scrutiny Committee.

The findings and recommendations of this scrutiny review are detailed under the following areas of improvement.

Income

Discussions with representatives from the Friends of Ilkley Moor highlighted to members of the Committee that since the group was established in 2008, they have raised £200,000, which has been spent on Ilkley Moor. The group is about to launch a membership drive and it is anticipated that the membership should raise to above 500.

The Friends of Ilkley Moor are also currently in the process of applying for another very substantial grant. As well as fundraising, the group also operates extensive volunteer events on Ilkley Moor.

Officers from Bradford Councils Countryside and Rights of Way Service indicated that, the income generated for Bradford Council from the shoot on Ilkley Moor is £10,000 per year.

Members heard that this money was not actually ring-fenced to the Bradford Council's Countryside and Rights of Way Service and questioned whether the income should be ring fenced.

Recommendation 1

The committee recommends for Bradford Council to ring fence income from the shoots to the Countryside and Rights of Way Service, to undertake further Moorland management work, as required across the District.

The Sporting Rights Deed allows for periodic rent reviews during its term. To date, no such review has taken place and the Committee regards this as something which should be undertaken as a priority, in line with the provisions as set out in Section 10 of the Sporting Deed.

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.

Management Plan for Ilkley Moor, (Higher Level Stewardship Agreement)

During discussion with officers from Bradford Councils Countryside and Rights of Way Service, members of the committee learned that as part of the re-letting of the shooting rights deed to Bingley Moor Partnership, there is a schedule of agreed and specified

works to be carried out by Bingley Moor Partnership. This is known as the management Plan for Ilkley Moor, parts of which are delivered through the Higher Level Stewardship Agreement.

This is a management schedule of work given by Bradford Council to the Bingley Moor Partnership, to undertake management work on the Moor: this is work that had not been undertaken previously.

Moreover, members also discovered that it had been more than five years ago since the Management Plan for the Moor had been developed. The focus of the Management Plan appeared to lean heavily towards the bird population and their habitat and areas such as bio-diversity, flood alleviation and re-wetting the moorlands in terms of carbon capture; had not been fully reflected.

The information gathering session with the Friends of Ilkley Moor also highlighted that the primary aim of the Management Plan was on bird species such as Red Grouse along with Lapwing, Golden Plover and Curlew.

Friends of Ilkley Moor also indicated to members of the committee that from a survey that they had undertaken in 2012, there had been a decline in bio-diversity. However, they did also say that the survey was not conclusive and a full and accurate picture would only be established after further surveys had been undertaken in successive years, to illustrate a trend. Nevertheless Friends of Ilkley Moor were of the view that it could be said that the management of Ilkley Moor has not improved bio-diversity.

Despite the Management of Moor being described as being satisfactory by Ilkley Ward Councillors, Natural England and Bradford Councils Countryside and Rights of Way Team, members of the committee felt that now was the time to review and update the Management Plan for Ilkley Moor.

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:

- **full range of bio-diversity,**
- **flood alleviation;**
- **re-wetting the moorlands.**

Relationship between the Higher Level Stewardship Agreement and the Sporting Rights Lease on Ilkley Moor

Furthermore, members were keen to explore the relationship between the Higher Level Stewardship Agreement and the Shooting Rights Lease on Ilkley Moor. The Bingley Moor Partnership informed members that there would be no high level stewardship scheme without the shooting lease of Ilkley Moor. They also went on to add that a Higher Level Stewardship Agreement involves the management and implementation of the moorland all year round and as well as this they also:

- burned heather, which is necessary for providing food particularly for Grouse;
- undertook pest and predator control, (foxes. Crows, etc);
- manage bracken vegetation.

The annual running costs to Bingley Moor Partnership towards the management of the moorland are £58,740

The representative from the Bingley Moor Partnership also linked the Higher Level Stewardship Agreement and Sporting Rights Lease together, by saying that if the Shooting agreement was broken, the Higher Level Stewardship Agreement would also dissolve and Bradford Council would be liable to pay back any Higher Level Stewardship grant received.

Following this, members of the Environment and Waste Management Overview and Scrutiny Committee were keen to investigate this further and further clarification and consulted with Natural England.

Information received from Natural England was contrary to the position, as set-out by Bingley Moor Partnership. Natural England's view is that here are principally three consents associated with the ongoing management of the Moor:

1. the sporting lease which is associated with the shooting of grouse;
2. the Higher Level Stewardship Agreement, which acts as a consent for specific management;
3. the Ilkley Moor Management Plan (2003).

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 Higher Level Stewardship Agreement's indicator of success is necessary to move the site towards favourable condition.

Guidance received from Natural England also revealed that if the Sporting Lease was not renewed, Natural England would still expect the Higher Level Stewardship 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. This is because the consent for Grouse shooting, is not a condition under the Higher Level Stewardship Agreement and it would not affect its terms of condition. However, Natural England would still need to be reassured that Bradford Council have full control of all relevant management practices, that would allow the Higher Level Stewardship Agreement and Moorland Management Plan deliver its environmental objectives.

There does appear to be some confusion here between the relationship of the Higher Level Stewardship Agreement and The Sporting Rights Lease, which members feel needs to be clarified with the interested parties.

Recommendation 4

The committee recommends that there be further dialogue between Bradford Councils Countryside and Rights of Way Service, 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 Lease.

Interaction between the Gamekeepers and members of the Public

There was significant debate during the discussions and written information received, regarding the interaction between the gamekeepers and members of the public on Ilkley Moor.

Discussions with Bradford Councils Countryside and Rights of Way team, but in particular the Friends of Ilkley Moor, highlighted that since 2008, there has been a regular stream of complaints from members of the public who are walking their dogs; where gamekeepers have been aggressive and rude towards the public in controlling/keeping their dogs on a lead. Members were informed that some of these incidents were outside the bird breeding season.

Members have told that there have been other occasions where members of the public not walking dogs, and students carrying out scientific research who have also been warned off the land by gamekeepers.

Further dialogue with Bingley Moor Partnership and Wharfedale Naturalists identified that there is an issue with dog owners who do not keep their dogs on a lead or under close supervision during bird breeding season. In such circumstances a robust approach by the gamekeepers with members of the public may be required, however this should be done tactfully and not in a hostile manner.

Members of the committee also learned from the Bingley Moor Partnership that there are areas of Ilkley Moor where people can run their dogs freely which would not effect the birds, especially on the low moor and lower slopes near town.

Recommendation 5

The committee recommends that the :

- **Bingley Moor Partnership provides public relations training for its gamekeepers;**
- **Bingley Moor Partnership work with Bradford Countryside and Rights of Way Service to explore other areas of Ilkley Moor where members of the public can run their dogs freely, without causing distress to ground nesting birds.**

Health and Safety

Information received from the Ramblers Association indicates that at their Annual General Meeting, several members reported that they had encountered shooting parties whilst walking on Ilkley Moor. There was concern amongst their members that when these encounters took place, there were little warnings that the Moor was being used for shooting at that time. Some members reported that they first received an indication that such activity was taking place, when they heard shots around them.

The information gathering session between members of the Environment and Waste Management Overview and Scrutiny Committee with the Friends of Ilkley Moor, also

revealed that the Friends of Ilkley Moor also received complaints from walkers who were walking near the shoot areas and where no warning notices and been posted.

Discussions with the Bingley Moor Partnership illustrated that if people are walking are walking along a path where a shoot is taking place, they are asked to wait and the majority do.

Further dialogue with Bradford Councils Countryside and Rights of Way Service highlighted that it was essential that warnings are in place as early as possible at entry points on the day of the shoot.

Despite this, Members of the Environment Overview and Scrutiny felt that the safety of walkers needs to be thoroughly thought through, in the period up to and including the shoots.

Recommendation 6

The committee recommends that whenever a Shoot occurs, Bingley Moor Partnership should:

- **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.**

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.

Controlling of Bracken Vegetation

During consultations with representatives from the Bingley Moor Partnership, members discovered that a considerable amount of effort has been made to control the spread of bracken. Bracken is an invasive species that spreads at an alarming rate, leading to the loss of existing vegetation by “shading” out of other species.

Members also learned that spraying of chemicals has been used on Ilkley Moor to control Bracken vegetation. The chemicals that have been used for spraying is Asulam. However this has been withdrawn as a chemical by the European Union and became illegal to sell transfer or promote on 31 December 2011 and the use-up period ended on 31 December 2012.

Currently, the product has been re-licensed for use this year, (2013), as a successful application for emergency authorisation was made to the European Union. It is further understood that a longer-term authorisation is also being sought for future years.

Members of the Environment and Waste Management Overview and Scrutiny Committee are concerned and do not approve the process of spraying to control Bracken vegetation, especially given the diverse eco-system on Ilkley Moor and the likely impact on moorland wildlife, plants and people.

Recommendation 8

The committee recommends that should Asulam not be re-licensed the Bingley Moor Partnership explores alternative techniques to control Bracken vegetation, which do not have a adverse impact on the environment and follow guidance from Natural England.

Predator/Species Control

During the information gathering process for this Scrutiny Review, member of Bradford Council's Environment and Waste Management Overview and Scrutiny were made of the fact that in the current lease between Bradford Council and Bingley Moor Partnership, they are allowed to undertake predator/species control which involves the trapping and killing of magpies, stoats, weasels and rats.

This is legal and is standard in any shoot agreement. Members did feel that this is distasteful; however it is an accepted part of managing Moors for grouse and there is some evidence to suggest that this may benefit the wider range of bird species.

The control of pests may benefit the ground nesting birds, but members of the Committee did question whether there had been any survey undertaken which could demonstrate if the pest control procedures in place have had any impact on the numbers of bird Raptors, or whether Red Kites from the Leeds area would have spread further if there had not been predator/species control.

Officers from Bradford Councils Countryside and Rights of Way Service explained that they did not have or had undertaken any survey into this and perhaps it was something that they should look to do.

Recommendation 9

The committee recommends that Bradford Councils Countryside and Rights of Way Service 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.

Chapter 4 – Concluding Remarks

In its deliberations, this committee has endeavoured to take a balanced approach to this scrutiny review area and one that encompasses the views and concerns of all interested parties.

The Scrutiny Review report identifies a number of recommendations, if implemented, would enhance the delivery of the Ilkley Moor Sporting Rights Deed particularly in the areas of:

- the moorland management work being undertaken;
- operation of the shoot and the interface between it and the public.

Members do feel that if the recommendations contained in this report were followed, then the terms for the lease would be fit for purpose.

Bradford Council's Environment and Waste Management Overview and Scrutiny Committee, will monitor progress against the Scrutiny Review recommendations annually.

Recommendation 10

Bradford Council's Environment and Waste Management Overview and Scrutiny Committee to receive a report back in 12 months which monitors progress against all the recommendations contained within this scrutiny review.

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.

Chapter 5 – Summary of Review Recommendations

The recommendations set out have come from the information gathering sessions from this scrutiny review.

Recommendation 1

The committee recommends for Bradford Council to ring fence income from the shoots to the Countryside and Rights of Way Service, to undertake further Moorland management work, as required across the District.

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.

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:

- bio-diversity,
- flood alleviation;
- re-wetting the moorlands.

Recommendation 4

The committee recommends that there be further dialogue between Bradford Councils Countryside and Rights of Way Service, 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 Lease.

Recommendation 5

The committee recommends that the:

- Bingley Moor Partnership provides public relations training for its gamekeepers;
- Bingley Moor Partnership work with Bradford Countryside and Rights of Way Service to explore other areas of Ilkley Moor where members of the public can run their dogs freely, without causing distress to ground nesting birds.

Recommendation 6

The committee recommends that whenever a Shoot occurs, Bingley Moor Partnership should:

- 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;
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- consider appointing safety personnel whose responsibilities might include patrolling the paths near the shoot and warning walkers of the dangers.

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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.

Recommendation 8

The committee recommends that should Asulam not be re-licensed the Bingley Moor Partnership explores alternative techniques to control Bracken vegetation, which do not have a adverse impact on the environment and follow guidance from Natural England.

Recommendation 9

The committee recommends that Bradford Councils Countryside and Rights of Way Service undertake annual surveys in conjunction with other naturalist groups, to gather data, allowing for informed decisions to be made in future years.

Recommendation 10

Bradford Council's Environment and Waste Management Overview and Scrutiny Committee to receive a report back in six months which monitors progress against all the recommendations contained within this scrutiny review.

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.

**City of Bradford Metropolitan District Council
Environment and Waste Management Overview and Scrutiny Committee**

Terms of Reference for a scrutiny review of the Ilkley Moor Sporting Rights Deed

See Part 3E paragraphs 2.1 to 2.11 of the Constitution of the Council.

Background

A sporting deed which allows grouse shooting to take place on Ilkley Moor commenced in 2008. The deed is between City of Bradford Metropolitan District Council and the Bingley Moor Partnership who own and manage most of the surrounding land.

The deed runs for a period of ten years and allows the Partnership to drive and shoot grouse on Ilkley Moor for up to eight days per season (between August and December).

The deed includes a break clause whereby at any time after five years (May 2013) either party may give six months notice in writing that they wish to end the agreement. This means that the earliest date that notice may be given is November 2012.

Key Lines of Enquiry

The key lines of enquiry for this scrutiny review are to investigate the:

- impact of the moorland management work undertaken by the Bingley Moor Partnership, the Council (through the Countryside and Rights of Way Service) and the Friends of Ilkley Moor;
- economic aspects of the Moor and the shoot;
- operation of the shoot and the interface between it and the public;
- terms for the lease and whether they are fit for purpose;
- views of key agencies, representative bodies and users of the moor.

Indicative list of interested parties

An indicative list of the key persons / representative bodies is provided below. This is not definitive or exclusive and can be developed as the scrutiny progresses.

Executive Portfolio Holder, Change Programme, Housing and Planning
Strategic Director, Regeneration and Culture.

The Friends of Ilkley Moor.

Bingley Moor Partnership.

Officers from the Council's Countryside and Rights of Way Service.

Ilkley Ward Councillors.

Ilkley Parish Council.

The Moorland Association.

The Game and Wildlife Conservation Trust.

Natural England.
English Heritage.
Tourism officers.
Ilkley Chamber of Commerce.
User groups e.g. British Mountaineering Society, Ramblers Association, Bridleway Group, Warfedale Naturalists.
West Yorkshire Joint Services Archaeology and Ecology officers.
Bradford Ornithological Group.

Means of Consultation and Evidence Gathering

The Committee may need to consider a variety of evidence in appropriate formats, such as:

- Relevant documents such as current management plans etc;
- Written submissions from interested parties;
- Hearings held in public with interested parties making submissions and responding to questions;
- Commissioning of specific research;
- Open forums or focus groups with stakeholders;
- Relevant site visits.

Key Documents

An indicative list of the key documents is provided below. This is not definitive or exclusive and can be developed as the scrutiny progresses.

- Sporting Deed.
- Higher Level Stewardship Agreement.
- Ilkley Moor Management Plan.

Information Gathering Session

Session – Friday 23 November 2012 – Bradford Council’s Countryside and Rights of Way Service, Friends of Ilkley Moor and Bingley Moor Estate.

Cllr Martin Love.	Chair – Environment and Waste Management Overview and Scrutiny Committee.
Cllr Michael McCabe.	Environment and Waste Management Overview and Scrutiny Committee.
Cllr Adrian Farley.	Environment and Waste Management Overview and Scrutiny Committee.
Cllr David Robinson.	Environment and Waste Management Overview and Scrutiny Committee.
Julia Pearson.	Julia Pearson – Co-Opted Member, Environment and Waste Management Overview and Scrutiny Committee.
Danny Jackson.	Bradford Council’s Countryside and Rights of Way Service.
Richard Perham.	Bradford Council’s Countryside and Rights of Way Service.
Owen Wells.	Friends of Ilkley Moor.
Tracey Gray.	Friends of Ilkley Moor.
Edward Bromet.	Bingley Moor Partnership.
Simon Nelson.	Head Keeper, Bingley Moor Partnership.
Michael Smith.	Keeper, Bingley Moor Partnership.
Darren Thomson.	Keeper, Bingley Moor Partnership.
Mustansir Butt.	Overview and Scrutiny Lead, Bradford Council.