



## For Discussion

**Title: Capercaillie Conservation**

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### **Purpose:**

This paper sets out the next steps in capercaillie conservation following on from the Park Authority Board discussion last year and the Minister's response to the advice provided by NatureScot (NS) and the Park Authority. It is a high-profile area of work with reputational and resource implications, therefore Board are asked to note the plans in order for staff to consider members' opinions in shaping work as it goes forwards.

The Minister's recent response to the NatureScot Scientific Advisory Committee (SAC) report set out a request to the Park Authority and NatureScot to work with stakeholders to progress a coordinated approach to:

- Continue investment in action to achieve landscape scale restoration of pinewood habitat as the long-term mechanisms to achieve the vision for a thriving population of capercaillie in Scotland;
- Develop a costed, spatially explicit plan of positive management measures based on the SAC Report recommendations, and a fund-raising strategy which explores a wide range of public, private and voluntary mechanisms to generate further funding for capercaillie conservation; and
- Not progress action to control protected predatory species for capercaillie, but that a pine marten population survey is undertaken to better understand the size of the population.

It is now a key stage in progressing capercaillie conservation given the strategic significance of the Minister's response, the forthcoming consultation on Scottish Biodiversity Strategy delivery plans, legacy planning for the Cairngorms Capercaillie Project, and development of the Cairngorms Nature Action Plan and Active Cairngorms.

The Park Authority is committed to producing the spatial plan and taking joint responsibility with NatureScot for leading and overseeing a partnership approach. The Park Authority has specific responsibilities for particular elements regarding creation of 'quiet spaces for nature'.



## Recommendations

The Board Is asked to:

- a) Note Park Authority commitment to working with NatureScot in developing a costed, spatially explicit plan as per the Minister's requests.
- b) Note that the Performance Committee will receive regular updates on the oversight and delivery of the plan once produced.

## Strategic context

1. The Cairngorms National Park Partnership Plan 2023-2027, which was approved by Ministers in August 2022, provides the overall guide for strategic alignment between public agencies within the National Park.
  - a) National Park Partnership Plan A13 Species Recovery action: deliver a work programme to support capercaillie conservation in the Cairngorms, based on best available evidence.
  - b) National Park Partnership Plan A2 woodland expansion objective: increase the amount of woodland in the National Park to support larger, more natural woodlands, expanding in places up to a natural treeline, providing connections across river catchments and around the central core of the mountains.
  - c) National Park Partnership Plan C8 action: Consider all potential mechanisms to reduce disturbance on key species and recreational impacts on high ground.
2. The Corporate Plan sets out the contribution the Cairngorms National Park Authority will make over the next 4 years to the implementation of that Plan, using our grant-in-aid from the Scottish Government and other funding sources.
  - a) Corporate Plan direct delivery A13: Lead on a capercaillie emergency plan and long-term strategy.
  - b) Corporate Plan direct delivery A2: Deliver 1,000 ha of new or expanded woodland with new and innovative uses of the Forest Grant Scheme as part of Cairngorms 2030; Promote and administer a Woodland Challenge Fund to support land managers in the preparation of Forest Grant Scheme applications.
  - c) Corporate Plan indirect delivery A2: The Park Authority will inspire, encourage and provide advice on woodland creation, potential forestry applications & forest plans in the Park to landowners and Scottish Forestry in line with National Park Partnership Plan, Cairngorms Nature & Cairngorms Forest Strategy.
  - d) Corporate Plan C8 direct delivery: Develop and deliver Active Cairngorms Action Plan – including proposals to reduce disturbance to key species and habitats.



## **Strategic policy consideration**

3. The Scottish Biodiversity Strategy sets out Scotland' response to the biodiversity challenge and achieve a nature positive future. The strategy's vision is to halt biodiversity loss by 2030 and reverse it with landscape-scale restoration by 2045 and that regenerated biodiversity will support thriving communities and a sustainable economy.
4. The Strategy, presented as final draft in order to have considered opinion from CoP15 and be incorporated into consultation on the Natural Environment Bill, will be supported by a series of 5 year rolling delivery plans. The first plan includes ambitious actions to ensure we are on track to halting biodiversity loss by 2030.
5. A 12 week consultation on the overall biodiversity framework and elements of the Natural Environment Bill will be launched on 7 September. Part A will include the final draft of the Scottish Biodiversity Strategy and a draft of the first five-year Delivery Plan. Part B will focus on a subset of the provisions to be included in the Natural Environment Bill.
6. The Spatial Plan for Capercaillie will directly reflect the Scottish Biodiversity Strategy's Vision and Outcomes by incorporating emergency measures to halt loss by 2030 and long-term plans to increase resilience in the forest network through habitat expansion and enhancement.
7. In the context of capercaillie conservation, urgent action includes marking and removing fences, minimising disturbance, and reducing the impacts of predation. Longer term action includes advocating and supporting a reduction in the use of fencing with new forest expansion schemes and supporting the creation of an expanded forest network.
8. The Minister's response to the Scientific Advisory Committee and subsequent advice for the Park Authority and NatureScot Boards is clear that we should not progress further action on the control of protected species. Predator management is a highly contentious area with differing views on what short term urgent actions might look like and on what a sustainable, resilient future landscape might look like. The Park Authority continues to work with all concerned in capercaillie conservation and foster collaboration where possible.



9. The Land Reform (Scotland) Act sets out statutory public access rights and reciprocal duties for landowners and the Park Authority as the Access Authority. Measures to create 'quiet spaces for nature' could, in principle, be open to legal challenge. Section 13 of the Land Reform Act states that the Park Authority does have a duty to uphold access rights; and section 13 (2) also states that the Park Authority is not required to do anything in pursuance of this duty which would be inconsistent with the carrying out of any of the Park Authority's other functions. The robustness to such challenge under section 14 would largely depend on clear evidence of the intention to obstruct access rights.
10. Section 28 1. (a) of the Land Reform Act allows a Sherriff to declare whether a person who has exercised or purported to exercise access rights has exercised those rights responsibly. In doing so would require considering whether the person has complied with the Scottish Outdoor Access Code guidance on not intentionally or recklessly wildlife and voluntary agreements between land managers and recreation bodies.
11. To date the Local Outdoor Access Forum has supported the Access Authority in clarifying responsible conduct in relation to SOAC and sensitive sites with capercaillie.
12. A workshop held on 16 August to start the process of writing a spatial plan was attended by over 50 delegates from a range of sectors. There was a very positive response to the workshop and total support for NatureScot and the Park Authority's approach. Participants discussed what the plan needs to contain, tangible action points, funding mechanisms, next steps for delivery, and governance structures that will allow for full engagement.

## Strategic risk management

13. Risks identified from the Park Authority's strategic risk register:
  - a) **Public sector finances** – the expectation is to move quickly from spatial plan to delivery. The spatial plan will be costed with identification of instreams to include private and voluntary mechanisms. The result will be explicit about how much, and on which aspects of the plan, public sector funding commitment would be sought.
  - b) **Reputation** – capercaillie conservation remains a high profile, contentious area of work with often polarised views, particularly concerning predator management



Actions that include, or appear to include, a restriction of public access can be similarly contentious and are recognised as a risk engagement.

There is a risk that the Park Authority, as joint leads with NatureScot in developing the spatial plan, is perceived to be the sole body responsible for, and accountable for, capercaillie conservation. It is therefore important the partnership nature of development and delivery is stressed throughout, and our direct responsibilities are explicit.

A new governance structure will accommodate all stakeholders in the development of the spatial plan development and oversight. The Park Authority work closely with NatureScot in adopting clear policy positions.

- c) **Reputation / not addressing the four aims of the National Park collectively** – there is a risk that creating ‘quiet spaces for nature’ is seen to be in conflict with the aim of promoting understanding and enjoyment. The close working with communities of place and interest during the delivery phase of the Cairngorms Capercaillie Project has demonstrated valuable learning in user-led engagement approaches. Access groups engaged in the project and in discussions around the spatial plan to date have been very constructive.
- d) **Strategic delivery** – despite concentrated and coordinated effort there remains a high risk of local extinction and further conservation effort does not reverse decline. A co-ordinated approach to communications and joint-ownership of the actions in the spatial plan will be used to encourage and facilitate response from a range of partners, most appropriate to the stakeholders and challenge. The establishment of ‘quiet spaces for nature’ may have an impact on landowners ability to support outdoor access events such as orienteering, running races and mass participation walking events.
- e) **Staffing / turnover** – Cairngorms Capercaillie Project evaluation and Sharing Good Practice processes and outcomes are comprehensive. Staff that have led and worked on the project, from the Park Authority and a range of partners, are leading work on developing the spatial plan to ensure continuation and continuous development. Legacy planning for the Cairngorms Capercaillie Project includes a transition of work into the spatial plan and the new governance structure will incorporate structures from the Cairngorms Capercaillie Project and other ongoing capercaillie groupings.



## **Implications**

- 14. Staffing-** Support for the co-ordination and writing of the spatial plan is accommodated with the 2023/2024 operational plan and in the legacy planning commitment in the Cairngorms Capercaillie Project. The ongoing co-ordination and oversight of delivery will be a component of future work plans in Park Authority staff teams. In practice this will be a reduction in staff time allocated to capercaillie conservation as the Cairngorms Capercaillie Project come to a close. Delivery of specific elements around the creation of 'quiet spaces for nature' will be accommodated with the current staff resource allocated to development and delivery of Active Cairngorms.
- 15. Financial** – The cost for producing a spatial plan is allocated in the 2023/2024 operational plan and the Cairngorms Capercaillie legacy planning budget. Delivery costs associated with individual activities will be identified as part of the spatial plan, as will the funding mechanisms that may be available and should be applied to discrete areas of work. Once determined, further costs across the public sector will be considered for future operational plans, challenge funds and integration with existing funding streams.
- 16. Liabilities** – Commitments to emergency measures are expected to be time limited, to be considered in the spatial plan. Long term resilience measures such as woodland expansion and enhancement are national and National Park Partnership Plan long term policies. Measures to support the management of 'quiet areas for nature' are likely to coincide with areas where ranger services are currently active and will be active in the future, adding no additional resource demands on Rangers. Ranger commitment is however still subject to future budget provisions.
- 17. Communications and engagement** – There are many varied and often strongly held opinions on capercaillie conservation by land managers, environmental NGOs, access groups and residents. In work to date the Park Authority has reinforced its position as an organisation that listens, is responsive to different opinions and maintains a commitment to delivery of the National Park Partnership Plan objectives. The Park Authority and NatureScot taking a lead on a delivery focussed plan of tangible action is very well received. In all communications and engagement, it is important the Park Authority, and NatureScot, take a clear position on the scope of our involvement and responsibilities.



Measures to create 'quiet areas for nature' could be open to challenge. The Park Authority must demonstrate what steps are taken to uphold access rights and be clear that this is guidance, not legally restricting access, and that this is based on robust evidence that indicates a need to reduce disturbance and is therefore proportionate.

A communications and engagement plan for the project will be developed and overseen through joint NatureScot and Park Authority governance.

### **Success measures**

18. Production of co-created, costed, spatial plan with new governance mechanism and stakeholder input mechanisms to take forwards delivery, by March 2024.
19. Integration of delivery activities into Active Cairngorms, Cairngorms Nature and the operational plans of partners.
20. Collaborative work continuing to take place across a wide range of stakeholders from the public, private and voluntary sectors.
21. Inward investment into delivery the plan from variety of sources

### **Supporting information**

22. Links to:

- a) Cairngorms National Park Authority Board paper 220610 - [220610CNPABdPaper4AACaperPaper\\_V7.pdf \(cairngorms.co.uk\)](#)
- b) CCP project website - [Cairngorms Capercaillie Project](#)
- c) CCP performance committee paper
- d) [230609PerfCtteePaper2CapercaillieProject \(cairngorms.co.uk\)](#)
- e) [Microsoft Word - Highlight Report\\_Q4\\_2022-23\\_Cairngorms Capercaillie Project.docx](#)



## **Background information and next steps**

23. The Cairngorms National Park Authority and NatureScot have been asked by Lorna Slater, the Scottish Government's Minister for Green Skills, Circular Economy and Biodiversity to work with stakeholders to lead a coordinated action plan for the critically endangered capercaillie.
24. Capercaillie numbers have decreased by over 50% in the last five years with the latest national survey (2021/2022) estimating that there are only 542 capercaillie left in Scotland.
25. A subgroup of the NatureScot Scientific Advisory Committee has advised that the species could be lost within two to three decades if we do not move quickly, and that renewed intensive measures are needed if the population is to be conserved.

## **What steps have we already taken to begin coordinating action?**

- a) February 2022: A report on capercaillie conservation and management was published by a subgroup of the NatureScot Scientific Advisory Committee.
- b) April 2022: Views on the areas for action outlined in the report were gathered from over 100 stakeholders by the Park Authority and NatureScot through an online survey and meetings.
- c) May 2022: The areas for action and views gathered in response were explored with stakeholders at a workshop in Coylumbridge held by the Park Authority and NatureScot.
- d) June 2022: Park Authority and NatureScot Boards supported recommendations for coordinated action for capercaillie based on the majority views gathered from stakeholders.
- e) October 2022: All project activities delivered by the Cairngorms Capercaillie Project were reviewed to identify impacts and learning that could support coordinated action.
- f) February 2023: A knowledge exchange visit took place to learn from actions and expertise in the Black Forest National Park where a Capercaillie Emergency Plan is in place.
- g) June 2023: Scottish Government confirmed support for coordinated action for capercaillie led by the Park Authority and NatureScot.





- h) July 2023: RZSS completed their research to identify the genetic diversity of the UK capercaillie population. The findings were shared with stakeholders at an online session.

## **What common ground have we identified so far?**

26. The report on capercaillie conservation and management published by a subgroup of the NatureScot Scientific Advisory Committee, was not in itself a plan for action. Whilst it recommended positive management measures, the subgroup were not asked to consider interactions with wider biodiversity and communities, or costs and practicalities. Led by the Park Authority and NatureScot, stakeholders were invited to share their views on these and other factors via an online survey in April 2022 and workshop held in Coylumbridge in May 2022.
27. Based on the views gathered and the positive management measures recommended in the report, the following areas of alignment were identified, with alignment strong in some areas, e.g., reducing the risk of fence strikes, and less so in others, e.g., reducing the impact of predation.
28. General areas of alignment:
- a) The report on capercaillie conservation and management published by a subgroup of the NatureScot Scientific Advisory Committee is a much-needed proactive step that broadly provides enough evidence to build on.
  - b) A spatial strategy and additional resource for the core capercaillie area will help with prioritisation, monitoring and adaptive management going forward.
  - c) Investigation into the genetics of the population should continue.
29. Reducing disturbance:
- a) Take forward work to investigate options for path management, developing 'quiet spaces for nature', encouraging responsible access and employing a greater suite of measures to reduce human disturbance than consistently employed currently.
  - b) Learn from and build on the community-led approach taken by the Cairngorms Capercaillie Project to find sustainable solutions.
  - c) Ensure a proportional response and equity amongst recreational users.
  - d) Take a broad approach that looks at 'quiet spaces for nature', rather than focusing just on capercaillie.
30. Reducing the impact of predation:



- a) The current situation of a patchwork of interventions, both spatially and in terms of species being controlled, is not having the demonstrable positive effect on breeding success.
- b) Pine marten control through trap and translocate and/or trap, hold and release is unviable for several reasons.
- c) Continue and conduct further research into the efficacy and methodologies of diversionary feeding and interactions in the predator guild.
- d) Expand the current diversionary feeding trial in Badenoch and Strathspey.

**31.Reducing the risk of fence strikes:**

- a) Just focusing on fencing within 1km from lek sites is not enough to safeguard capercaillie from the risk of collisions.
- b) Increased fence marking and removal across the capercaillie range will improve capercaillie survival rates.
- c) Fencing that has served its purpose should be removed as soon as possible.
- d) This work could be actioned relatively quickly subject to funding.

## **Objectives of the workshop on 16 August**

**32.**A shared view on what a coordinated action plan for capercaillie should look like.

**33.**More detail to aid the delivery of the following positive management measures, building on the areas of alignment identified in the 2022 workshop in light of the statement from Ms Slater:

- a) Reducing disturbance
- b) Reducing the impact of predation
- c) Improving and expanding habitat
- d) Reducing the risk of fence strikes

**34.**Exploration of public, private and voluntary mechanisms to fund the coordinated action plan for capercaillie.

## **Next steps**

**35.**September - October 2023: Follow-up workshops and consultations will be held to review the delivery plans developed as part of and in response to the workshop.

**36.**October 2023: A study will be commissioned to investigate the feasibility of reinforcing the UK capercaillie population.



37. November 2023: Delivery plans to reduce disturbance to capercaillie, developed through the workshop and follow-up consultations and building on the work of the Cairngorms Capercaillie Project, will be included in the Active Cairngorms Action Plan and considered by the Park Authority Board.
38. December 2023: A full evaluation of the Cairngorms Capercaillie Project will be conducted to identify impacts and learning that will support coordinated action.
39. March 2024: A draft coordinated action plan will be produced for Park Authority and NatureScot approval. The plan will be based on all the input from stakeholders received to date and will take forward short-term (emergency) actions and longer-term actions to secure the future for capercaillie in Scotland.