



PETITION SUBMISSION FORM

v.1.1 28/03/2013

If you wish to submit a petition for consideration by The Moray Council, please complete this form. For guidance, further information or advice on the submission of a petition please contact the Democratic Services Manager on 01343 563016 or email petitions@moray.gov.uk, or alternatively refer to information on www.moray.gov.uk/petitions

Details of principal petitioner submitting the petition

Please enter the name of person and organisation you represent (if applicable) and who is raising the petition.

Include a contact address to which correspondence may be sent, a contact telephone number and e-mail address if available so that we can contact you with any queries.

Name: [Name supplied to Moray Council] on behalf of Friends of Findhorn Bay

Address: [Address supplied to Moray Council]

Postcode:

Tel No: [Tel. No. supplied to Moray Council]

E mail: [Email address supplied to Moray Council]

Title of the Petition

Ban the killing, injuring and maiming of geese and ducks in Findhorn Bay Local Nature Reserve

Petition Statement - Please state (**in no more than 250 words**) what action the Petitioner wishes the Council to take. If you require you can attach a typed sheet to this form with the detail.

By virtue of the powers delegated to it under Section 20(2)(b) & (c) and Section 106 of the National Parks and Access to the Countryside Act 1949, the Petitioner calls on Moray Council to enact a byelaw stating that no individual shall:-

- (a) carry or discharge any firearm or other instrument designed to propel a missile;
- (b) shoot or attempt to shoot any goose or duck; or
- (c) take, molest, willfully disturb, injure or kill or make any attempt to injure or kill any goose or duck, or spread or use any net or set or use any lamp, snare or other engine, instrument or means for the taking, injuring or killing of any goose or duck,

within the Findhorn Bay Local Nature Reserve.

Action taken (if any) to resolve issues of concern before submitting the petition

Before a petition is submitted, petitioners are expected to have taken reasonable steps in attempting to resolve the issues.

Please enter below details of any individuals or organisations approached. Copies of correspondence, including any responses, should be attached.

This information will be made available when this Petition is considered.

The Petitioner refers to:-

1. Various email correspondence, as follows:

- letter & email to Cllr. Lorna Cresswell, dated 12th November 2013;
- various other emails to and from Cllr. Lorna Cresswell, between 21st November 2013 and 10th December 2015;
- various emails to and from Mr Pat Carroll, Chair of the FBLNR Committee, between 12th December 2013 and 14th December 2015;
- email from Kieren Jones at Scottish Natural Heritage on 12th March 2014, in response to a request for clarification in relation to the Wildlife and Countryside Act, plus a further response from Dr Colin Sheddon of the British Association for Shooting & Conservation;
- the Formal Request to the Findhorn Bay Local Nature Reserve Management Committee from newly formed local citizens' group, Friends of Findhorn Bay, dated 10th December 2015.
- 2. Three members of the Steering Group of Friends of Findhorn Bay spoke to Richard Lochhead MSP at his Constituency Surgery on Monday 30th November 2015 to highlight the impact of the shooting on local people, particularly residents of Kinloss, as well as on the nature reserve itself and to put forward the case for a total ban on shooting in the Findhorn Bay LNR.
- 3. Attendance at the FBLNR Committee's quarterly meeting on 10th December 2015 many complaints from members of the public were put to the Chair of the FBLNR Committee concerning the shooting on Findhorn Bay during the open discussion on wildfowling; and
- 4. The public meeting of the Friends of Findhorn Bay, on 14th December 2015, at Kinloss Church Community Hall, which provided a forum to hear concerns about the shooting and encouraged public support for a ban on shooting in the Findhorn Bay LNR. Approximately 120 local people attended this meeting and many voiced their concerns about the shooting and their support for a ban.

Background Information

Please note any other background information that you think we should be made aware of.

Overview

- 1. Many local residents in Kinloss, Findhorn and Forres are becoming increasingly angry, frustrated and despairing of the inaction of Moray Council, in relation to the totally unacceptable and inappropriate shooting of wild geese and ducks in the Findhorn Bay Local Nature Reserve. This is a public health hazard and a cruel sport, which is resulting in increasing numbers of wounded geese dying in distress. Dead or injured geese are not only falling into Findhorn Bay but also into residential areas of Kinloss. This is moreover a noise pollution issue and is affecting the quiet enjoyment of the Findhorn Bay LNR by non-shooting locals and tourists. The current situation is undermining the primary aim of the Findhorn Bay Local Nature Reserve, which is supposed to be educational (see point 6 below).
- 2. The Petitioner is a resident of Findhorn village, former solicitor and one of the founding members of the recently formed citizens' group, Friends of Findhorn Bay. The Petitioner is submitting this formal Petition on behalf of over 800 concerned and distressed residents of Kinloss, Findhorn and Forres, who want the shooting of wild geese and ducks on Findhorn Bay to stop. This Background Information has been compiled with input from at least 12 other local residents.
- 3. The gathering of signatures has been limited to residents residing in the IV36 postcode area, which is the area of Moray most impacted by the shooting. In short, the 800+ petitioners are concerned residents of the Kinloss, Findhorn and Forres area, who want **urgent** action to be taken to address a situation that is out of control.
- 4. Moray Council's continuing failure to control (i) who is shooting, (ii) whether or not they are competent shooters, (iii) how, what and when they are shooting, (iv) the number of geese and ducks being killed, and (v) the use of illegal lead shot in the wetlands, has led the Friends of Findhorn Bay to conclude that the only viable option at this point is a complete ban on shooting in the Findhorn Bay Local Nature Reserve.

International Designations of the Findhorn Bay LNR

5. **Findhorn Bay is a Site of Special Scientific Interest (SSSI)** designated by Scottish Natural Heritage; a Special Protection Area (SPA) under the European Union's Council Directive 2009/147/EC on the Conservation of Wild Birds, as implemented in Scotland by the Conservation (Natural Habitats etc.)

Regulations 1994; a Special Area of Conservation (SAC) under the European Union's Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora; and, due to its birdlife, is designated as a wetland of international importance under the RAMSAR Convention.

Species Decline and Conservation Concerns

6. The 2014 RSPB Wetland Bird Survey states that wetland birds are suffering ongoing declines. Redshank and Curlew have hit a 30 and 25 year low; Turnstone and Ringed Plover have hit all time lows; Shelduck have fallen to their lowest number for 40 years; Oystercatchers and Grey Plover are also in decline. At least ten species of bird that inhabit or visit Findhorn Bay are listed on the IUCN's Red List as being "Near Threatened". So while the numbers of several of the quarry species found in Findhorn Bay (i.e. Greylag and Pink-Footed goose) are relatively high, other non-quarry species need to be taken into consideration.

The impact of the continued, illegal use of lead shot in the wetlands and its impact on wildfowl and other birds needs to be properly considered, particularly in light of the 2014 research report published by the Oxford Lead Symposium, entitled "Poisoning of birds and other wildlife from ammunition-derived lead in the UK"

(see http://www.oxfordleadsymposium.info/wp-content/uploads/OLS_proceedings/papers/OLS_proceedings_pain_cromie_green.pdf).

Witness Statement 11 (see Appendix 1 below) clearly shows that lead shot is still being used in the wetland area of Findhorn Bay.

Lack of Coherent Management of the Findhorn Bay Local Nature Reserve

- 7. It is understood that when Findhorn Bay was designated as a Local Nature Reserve in 1998, Moray Council delegated its duty to oversee the management of the LNR to a voluntary, community-based management committee (referred to below as the "FBLNR Committee" or "the Committee"). The FBLNR Committee is made up of locally-based business interests and various representives of the community, together with interested bodies such as SNH (Scottish Natural Heritage), BASC (British Association for Shooting and Conservation) and RSPB (Royal Society for the Protection of Birds).
- 8. The AGM Minutes of the Findhorn Bay LNR Management Committee dated 19th June 2012 note that the last FBLNR Management Plan expired in 1999. The 1999 plan was noted as being "inadequate for the number of activities that are routinely enjoyed in the Bay". There does not seem to be any evidence of any new Management Plan being implemented in the last 16 years.

Education is the Primary Aim of a Local Nature Reserve

- 9. In 2006, Scottish Natural Heritage commissioned a report (No. 174), reviewing the management of Scotland's 41 local nature reserves (the "SNH Report"). The Report states that the **primary aim** of all local nature reserves is **educational**, that is:
 - a) to increase awareness of, understanding of and personal commitment to natural heritage; and
 - b) to enable the protection and enhancement of natural heritage.

The SNH Report also states that the **key benefits** of a Local Nature Reserve are to provide a place "where people can come to experience, enjoy, learn about and get involved with nature.... a Local Nature Reserve should be a signal to the public that this is somewhere to experience nature."

Meanwhile, FBLNR Committee's Constitution of 2012 states in Clause 1.3(3) that one of its key objectives is "To develop and maintain a strategy for the environmental interpretation of the FBLNR's natural, economic and social heritage, and to make provision for educational opportunities within the Reserve."

10. At present the educational opportunities afforded by the annual migration of geese through Findhorn Bay LNR are being severely undermined by the interests of a small group of people, namely hunters. It is hard to overestimate how intimidating and unsettling it can be to hear nearby gunfire, particularly if you cannot see where the hunters are, not knowing in which direction they are shooting. Furthermore, coming across increasing numbers of men wearing camouflage and carrying shotguns in public areas and finding rotting goose carcasses around Findhorn Bay is alienating both local residents and tourists from the wonderful natural landscape and ornithological delights of Findhorn Bay.

Failure to Regulate or Control the Shooting in Findhorn Bay

11. Prompted by recommendations of the FBLNR Management Committee, on 26th October 2005, the Environmental Services Committee of the Moray Council agreed that "the introduction of byelaws and in particular, the introduction of a permit system for wildfowling would be beneficial to the other objectives of the reserve" (point 6.1) and also that "control of shooting numbers will reduce

pressure on wildfowl stocks and help to eliminate bad shooting practices" (point 7.1)

(Ref.

http://www.moray.gov.uk/minutes/archive/EN20051026/findhornbaynatureres erve.PDF). To date, this has not been actioned by Moray Council, with lack of funds being given as the ongoing reason for not regulating the situation or setting up a shooting permit system.

- 12. Concerns about shooting on Findhorn Bay pre-date the establishment of the Local Nature Reserve in 1998. The likelihood that regulation of shooting would be needed has been stated as the reason why both BASC (The British Association for Shooting & Conservation) and FNDWA (Findhorn and Nairn District Wildfowlers Association) have a vote on the FBLNR Committee, whereas other recreational activities have only one vote.
- 13. Since at least 2006, experienced wildfowlers have been complaining of the "cowboy" shooters on Findhorn Bay, who stand 15ft apart and try to shoot at high-flying birds (Ref. http://www.thehuntinglife.com/forums/topic/15839-fowling-trip/, which is printed out as part of Witness Statement 6 See Appendix 1 below). Many local wildfowlers remain unhappy with the current, unregulated situation, which sees many hunters travelling from England and other European countries to take advantage of the uncontrolled shooting of geese and ducks that is still possible on Findhorn Bay for almost 6 months of the year. Meanwhile other local nature reserves in Scotland already have byelaws and shooting permit systems in place.
- 14. Other local nature reserves in Scotland with wildfowling byelaws that have banned shooting but then allow controlled shooting through a permit system are Montrose Basin LNR, Aberlady Bay (where the wildfowling permit is only available to local residents and local people are banned from harvesting geese on the Bay); Tyninghame Bay (which has some time restrictions in the shooting permit and Lothian residents get preference for the wildfowling permits) and also Wigtown Bay. In one instance there is a voluntary "no shoot" area at the Inner Tay Estuary LNR at Kingoodie Bay. It is arguable that the controls now being placed on other estuarine LNRs are the reason for the increase in the free for all shooting that is occurring with ever more frequency in the unregulated Findhorn Bay LNR.
- 15. The setting up of a team of volunteer wardens, made up of local hunters, has not helped to control the situation of inexperienced and incompetent hunters coming from far and wide to shoot in the Findhorn Bay LNR. It is also of concern that only hunters are allowed to 'police' other hunters.

16. On 13th November 2015 a proposal was made by the FBLNR Committee to Moray Council, which contained suggestions as to how a shooting permit system might work. It proposes that shooting would still be allowed in the Findhorn Bay LNR six days per week, with unlimited numbers of local wildfowlers being allowed to shoot each day, provided that they have purchased a £10 seasonal permit. Four visiting wildfowlers per week would also be allowed to shoot in the Nature Reserve, each paying £10 per day or £60 per week. The Friends of Findhorn Bay do not consider this to be an acceptable proposal because we do not believe that it will provide a remedy for the problems being experienced.

Noise Disturbance

17. The residents of Kinloss and those living on the perimeter of Findhorn Bay are being subjected to increasing levels of noise disturbance from guns going off in the early morning, during the day and well into the evening. This occurs on many days of the week during the shooting season, which is almost 6 months long (1st September to 20th February). The intermittent sound of gunshot is startling, disturbing and offensive to many local people. The knowledge that the sound of shotgun fire means that wild birds are being killed, maimed or left injured and dying as a result is also highly disturbing to many people.

Eye Witness Accounts

- 18. Recent eye witness accounts of local residents include details of:-
- a Kinloss resident hearing gunshot fire and immediately thereafter seeing a
 goose falling onto the B9011 (near the Kinloss T-junction). The goose was
 almost hit by a bus. It could not take flight again, but nevertheless attempted to
 get back to Findhorn Bay by wading with difficulty through a burn. Video
 footage of this incident can be viewed here:
 https://www.youtube.com/watch?v=fYGTAKfifVg&feature=youtu.be;
- dead and injured or dying geese wounded by gunshot found lying in residential areas of Kinloss and in fields in the Whiteinch area; reports made to the SSPCA of injured and distressed geese;
- sightings of clusters of shooters standing in lines, shooting at the geese, in close proximity to residential areas and areas where local residents would commonly walk their dogs;
- verbal interactions with various shooters, many of them from England one of whom had just shot 9 geese;
- 24 geese seen hanging on a wire at a house in Findhorn village, reputedly being occupied by shooters from Eastern Europe.

- dog walkers finding goose carcasses with their breast meat removed on the shores around Findhorn Bay;
- a resident of Findhorn finding and photographing four dead geese on 21st October 2015, which had washed up on the foreshore near the Captain's Table at Findhorn Marina, where many parents with young children congregate;
- hunters leaving up to 40 dead geese hanging in the garden shed of the local guest house owner with whom the hunters had stayed;
- a hunter inadvertently pointing and aiming his shotgun in the direction of a local resident who was taking photographs on the Bay just adjacent to the B9011;
- shooting happening too close to areas where injured birds cannot be retrieved,
 e.g. near the fenced-in areas of Kinloss MOD land and also opposite the Seaview
 Caravan Park).

Many of the above incidents are in contravention of the BASC Wildfowlers Code of Practice and are clear evidence of the wholly unacceptable state of affairs. A number of Witness Statements and photographic evidence of such incidents are included in Appendix 1 below.

Proximity of Shooting to Residential Areas

- 19. Many of the shooters are shooting just 200 to 250 metres from Kinloss Parish Church, Manse Road, Glebe Road, Whiteinch, etc. These are well populated residential areas, resulting not only in significant noise disturbance to local residents, but also injured or dead geese dropping into residential areas of Kinloss. A map is attached in Appendix 2 indicating the proximity of the shooters to residential areas. Appendix 3 shows locations where injured or dead geese have fallen into residential areas of Kinloss in recent months.
- 20. Given the recent incident mentioned in paragraph 12 above, of an injured goose landing on the B9011, and the increasing incidence of dead or injured geese landing in residential areas of Kinloss, consideration must also be given to the public health implications of inexperienced or incompetent hunters shooting in close proximity to residential streets and busy local intersections. A wounded goose landing on or running out onto the main Findhorn B9011 road could cause a serious road traffic accident or serious or possibly fatal injury if it hit a pedestrian while falling out of the sky. A map is attached in Appendix 3 showing areas where dead or injured geese have been discovered during the last few months.

Farming and Goose Numbers

21. We understand that because Greylag and Pink-Footed goose are currently high in number (relative to previous decades) crop damage has become a concern. Some argue that this is a reason for allowing the shooting of geese on Findhorn Bay to continue. We disagree for a number of reasons. First, because a ban on the shooting in Findhorn Bay will not affect the ability of local farmers to control goose numbers on their private land, by using bird scaring devices, or indeed, by permitting people to shoot geese on their land. Second, in order to comply with the Scottish Government's 2010 Review of Goose Management Policy, any control of the numbers of geese should be done through official channels, with numbers of geese killed being recorded and dead geese being properly disposed of, as opposed to random people shooting them for sport, without any recording of numbers killed.

Wildlife Tourism Opportunity

22. One of the reasons heard for allowing shooting on Findhorn Bay to continue is the economic benefit that non-local shooters bring to the local economy. First and foremost, we do not believe that financial matters should outweigh other considerations, such as the overall negative impact of the increase in shooting on local inhabitants, non-shooting tourists and wildlife. Having said that, we believe that a significant wildlife tourism opportunity is being missed due to the current shooting on the Bay in autumn and winter. As mentioned earlier, Findhorn Bay is a major rest point for migrating birds, which fly South for thousands of miles every autumn and winter and then North again in early spring. This annual migration is a unique opportunity for adults and children to see and appreciate a spectacular natural phenomenon. It has great educational potential, as recognized by the Bay's RAMSAR site designation, and the Bay is hugely attractive to birdwatchers. However this is currently not being promoted and local people and visitors are in fact discouraged from visiting Findhorn Bay Local Nature Reserve and observing the geese and other birds, due to the escalation in shooting on the Bay.

Summary

- 23. The Petitioners urge Moray Council to carefully consider the petitioners' request for a ban on shooting in the Findhorn Bay Local Nature Reserve, due to the following escalating problems that the shooting is causing:
 - a) by preventing local residents and visitors from enjoying the beauty and tranquility of significant areas of Findhorn Bay for almost 6 months each year;

- b) by preventing the educational aims of the Local Nature Reserve from being fulfilled for half the year;
- c) significant upset at all times of day and night in terms of noise disturbance from shotgun fire;
- d) rotting goose carcasses being found around the foreshore of Findhorn Bay and in neighbouring fields;
- e) dead and dying geese falling into residential areas of Kinloss;
- f) risk to adults, children and dogs due to inexperienced, incompetent or negligent shooters making use of the Bay as a shooting range;
- g) a proliferation of plastic shotgun cartridges littering Findhorn Bay; and
- h) the possible poisoning of wildfowl and other birds due to lead shot still being used illegally in the wetlands of the nature reserve.
- 24. It is unacceptable to local residents around Findhorn Bay for Moray Council to continue to assert that it lacks the resources to do anything about this situation. For all the reasons mentioned above, this 'laissez-faire' attitude cannot continue. In conclusion, we believe that the only viable solution to the escalating problem of shooting in the Findhorn Bay LNR is a complete ban on shooting.

Other Proceedings	
Please indicate the following to the best of your knowledge.	
Are the issue(s) raised in the petition currently being handled or been submitted in the past as a formal complaint to The Moray Council?	Not to the best of my knowledge
Are the issue(s) raised in the petition currently subject to any other formal processes in the council e.g. appeal or planning process	Not to the best of my knowledge
Are the issue(s) raised in the petition, currently subject to any other legal proceedings, e.g. information within is not subject to interdict or court order?	Not to the best of my knowledge

Appearance before a meeting considering the petition

The Chairperson of the appropriate Committee who hears the petition will invite the petitioner to appear before the meeting to speak in support of their petition. This is useful in assisting elected members to reach a decision.

Please indicate below whether you wish to submit a request to make a brief statement to the Committee when it is considering your petition. Please note that you will be asked to submit a written summary of your comment 3 days prior to the meeting.



*I DO NOT wish to make a brief statement before the Meeting

Signature of Principal Petitioner
When satisfied that the petition meets all the criteria outlined in the <i>Guidance to Submission of Petitions</i> , the Principal Petitioner should sign and date the form in the box below. Any additional
sheets of signatures should be attached to the form.
Signature Date
Name of signatory in block capitals
Number of people who have

^{*} tick as appropriate

APPENDIX 1

WITNESS STATEMENTS

1. [Name supplied to Moray Council], Kinloss

Autumn 2014:

Two SUVs belonging to men with guns were blocking the cycle path opposite the woodlands between Seaview Caravan Park and main runway at Kinloss Army barracks. Witness (on a bicycle) asked if they could move their cards. Threatening behavior of men with guns towards cyclist trying to get past.

2. Anonymous, Kinloss (name & address supplied to lead petitioner)

PART 1: Statement of Kinloss resident regarding negative impact of noise of shotgun fire on the Bay, which can start as early as 6.40am. Witness only goes to the Nature Reserve on Sundays as on all other days of the week in Autumn/Winter shooters are likely to be there. Includes photographs taken on foreshore area near Kinloss, showing goose carcass and shotgun cartridges left in a tree stump and floating near a log, plus other shooting relating litter.

PART 2: Photographs of a dead goose that had fallen into the Kinloss Army Barracks in the area behind Glebe Road, on 9th December 2015. It was discovered at 9am about 8 metres from a house and 20m from a road and the main walkway where parents take their children to school.

3. [Name supplied to Moray Council], Kinloss

Witness account of increased amount of gunshot fire and the discovery of a dead goose next to the witnesses house at Whiteinch, Kinloss in mid-October 2015.

4. [Name supplied to Moray Council], Kinloss

4 December 2015: Witness account from resident of Seaview Caravan Park who is upset at being woken by gunfire from the killing of geese on Findhorn Bay every morning.

5. [Name supplied to Moray Council], Kinloss

Mid-October 2015, at about 7.30am: Witness statement of a neighbour of **[Name supplied to Moray Council]** (see Witness Statement 3 above) who called the SSPCA to attend to what she thought was a dead goose. The

goose was in fact alive and the SSPCA thought it might be the mate of the goose found dead next to **[Name supplied to Moray Council]**'s garden.

6. [Name supplied to Moray Council], Findhorn

8th October 2015: photographs of dead geese and spent shotgun cartridges washed up on the foreshore of the Bay between the Kimberley and the Findhorn Yacht Club.

7. [Name supplied to Moray Council], Findhorn

January 2014: Witness found 2 large black binliners containing 16-20 debreasted goose carcasses which had been dumped between the piers in Findhorn.

8. [Name supplied to Moray Council], Findhorn

9th October 2015: Witness found 4 dead geese on entering the Bay opposite the entrance to the Findhorn Foundation. Three is close proximity and one about 50 yards from the Bay entrance. Also reports of hearing shotgun fire on a Sunday at about 6.30pm on 18th October 2015, which she reported to the police. On 1st November she discovered another dead goose in the Bay opposite the entrance to the Findhorn Foundation.

9. [Name supplied to Moray Council], Findhorn

Witness complains of regular disturbance of gunshot fire and distressed geese taking off as a result, at all times of the day and night.

10. [Name supplied to Moray Council], Forres

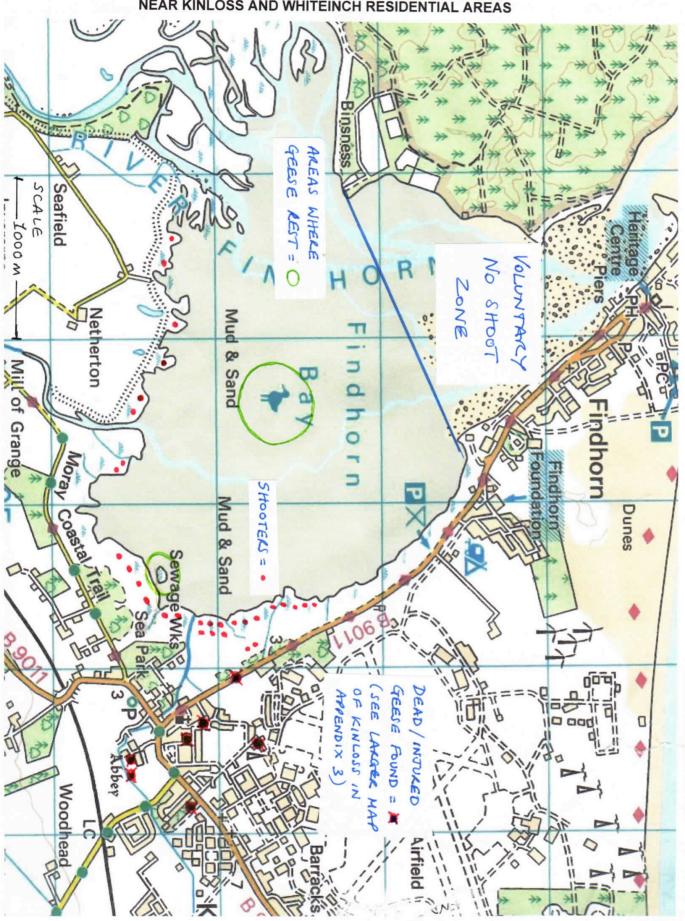
Letter submitted to Forres Gazette and published on 16th December, which complains of regular noise disturbance of shotgun fire heard in Forres at all times of day and late night.

11. [Name supplied to Moray Council], Forres

Witness discovered both used and unused lead shotgun cartridges on the foreshore on Findhorn Bay near Netherton Farm.

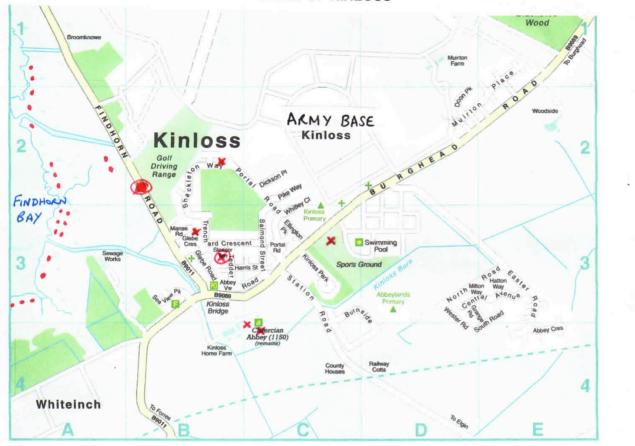
APPENDIX 2

MAP SHOWING LOCATIONS WHERE PEOPLE SHOOT NEAR KINLOSS AND WHITEINCH RESIDENTIAL AREAS



APPENDIX 3

MAP SHOWING WHERE DEAD OF INJURED BIRDS HAVE BEEN FOUND IN RESIDENTIAL AREAS OF KINLOSS



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X = LOCATION OF DEAD GEEVE

- & = LOCATION OF INTURED GOOSE FOUND IN ARMY N. SIDE CHILDREN'S PLAYGROUND
- E = LOCATION OF INTURED GOOSE THAT
 LANDED ON THE B9011 ON SAT 7 NOV 2015
- · = LOCATION OF SHOOTERS (SEE APPENDIX 2 FOR A COMPLETE MAP OF FINDHORN BAY)