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Combating Wildlife Crime by Communication, Cooperation and Coordination

Introduction

This assessment provides recommendations that have been produced in consultation with UKTCG members (formally HLG). It is imperative that prior to the meeting ending, every recommendation contained in this document has a decision made by the UKTCG chair to either ratify the recommendation, or reject it.

Aim of Report

This assessment has been produced to provide an overview of the criminality affecting the wildlife of the United Kingdom (UK). It will inform the UKTCG of:

- The overall picture of reported wildlife crime and incidents in the UK.
- The current UK wildlife crime control strategy priorities identifying current, emerging and future threats.
- Issues of exception i.e., high risk that fall outside the current UK wildlife crime control strategy identifying current, emerging and future threats.
- Overview of current law enforcement activity.
- Key dates of events or planned operations that require resources to be allocated by the UKTCG.

Purpose

The purpose of the tactical assessment is to drive the business of the UKTCG and enable informed resource decisions by:

- Reviewing intelligence, prevention and enforcement plans and currently agreed operational activity.
- Reporting new operations and problems in light of current intelligence and demand, taking into account the data provided.

Method

The assessment is based on data recorded on the NWCUC intelligence system, including:

- Crime and Incident data received from UK Law Enforcement Agencies (LEAs)
- Intelligence reports

Roles and responsibilities

Throughout this process there are numerous responsibilities on various roles, the key functions to enable the process to work are:

UK Tasking & Coordinating Group

The UKTCG must ensure that all three areas i.e. Prevention Intelligence and Enforcement provide a named lead, where appropriate, to agree and lead on work plans devised to achieve the objectives set by the UKTCG. Through the Tactical meetings, the UKTCG must hold Plan Owners to account for progress against the main objective.

National Wildlife Crime Unit

The NWCUC will:

- Communicate the processes used by the UKTCG to tackle UK wildlife crime.
- Following the ratification of priority issues and setting of work plans - create; publish and maintain a record of plan owners, PIE leads, objectives and action plans.
- Record, evaluate and analyse all information / intelligence received by the unit.
- Produce appropriate Intelligence Products for UKTCG meetings.

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Key Findings

- **National Standard of Incident Reporting**

The NWCUs were almost at a stage where nearly all forces were in a position to regularly submit NSIR data, however during the last three months this situation has deteriorated. Nine forces have not submitted any data during summer; subsequently this hinders the production of reliable seasonal analysis and the identification of trends. On a positive note, the NWCUs now regularly receive incident data from the RSPCA and the Bat Conservation Trust which will inform the overall picture, by plugging those gaps police reported incidents leave open¹.

- **Current Picture**

Whilst the amount of hare coursing that is being reported has reduced during 2010 from 40% of all incidents during winter, to 18% during spring, then finally 12%² over summer there can be no room for complacency as hare coursing is likely to increase substantially in autumn in line with the harvesting of the crops. This was observed during 2009 when hare coursing accounted for 13% (149) of all reported wildlife incidents during summer 2009 which then increased by 320% (477 incidents) in autumn (when hare coursing accounted for 38% (626) of all reports of wildlife incidents to the NWCUs).

- **Priority Areas – Bat Persecution – Plan Owner Update**

Chief Executive of the Bat Conservation Trust agreed to take on the role of plan owner for the bat wildlife crime priority.

During the period 1st June to 31st August; 37 incidents have been brought to the attention of the statutory enforcers for action. Many have been dealt with very effectively through pro-active preventative action. There are however a few instances where the Police have been unwilling or unable to conduct effective investigations.

- **Priority Areas – CITES – Rhino Horn³**

The UK Government has tightened controls in relation to the export of rhino horn from the UK. Now, no rhino horn will be eligible to leave the country unless it meets the strict criteria (e.g such as genuine museum trade). This will help combat the increase in rhino horn antiques selling in auction houses which are frequently exported to Asian countries ostensibly for personal purposes but are far more likely to end up in illegal traditional medicine markets. In this way, it will help to combat the global supply of rhino horn and help fight the illegal trade and supply. Recently, awareness of rhino horn as a medicine has increased with the celebrity Elle Macpherson admitting that she uses it as a beauty product and it may be that demand rises due to this endorsement. Animal Health has contacted UK auction houses and antique trade associations to explain the revised rules. It is hoped that in future the BBC will be featuring a section on CITES controls in the television programme 'Flog It'.

¹ RSPB incidents have been submitted to the NWCUs but had not been analysed due to issues with formatting. This has now been resolved and this data will appear in the strategic assessment.

² Essex are usually high contributors to hare coursing, however were unable to supply incident data for summer 2010 and this may explain some of the decrease

³ <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm100916/halltext/100916h0001.htm#1009162200002>

- **Priority Areas - CITES Issues - Amendments to Priorities**

At the most recent UK TCG (October 18) it was decided that the current priorities surrounding CITES will change. This decision was largely based on intelligence surrounding the current trade of each of these specimens. The outcome of this now means;

- Caviar now becomes an Intelligence Requirement
- Ramin now becomes an Intelligence Requirement
- Rhino horn becomes a priority under the TM's priority

- **Priority Areas – Freshwater Pearl Mussels – Plan Owner Update**

Reports of damage to pearl mussel populations during 2010 appear to be of a similar number to the past couple of years. Again, this year some of the incidents have caused significant local damage. Two pollution incidents in Glen Lyon have been very severe, with at least one probably killing nearly all pearl mussels <15 years old in one stretch of the river. Populations of pearl mussels that contain such relatively young mussels (young, because the species lives for >100 years) are incredibly rare in the world and therefore such damage is of potential international significance. Also the finding of a pearl mussel population in the Outer Hebrides that is now restricted to only underground, natural 'sumps' in the river channel by sustained pearl fishing again shows the damage criminal activity is having. However, awareness is now such that both incidents (and others) are being recorded and actively investigated with likely enforcement action in the former case. This is encouraging and shows the priority plan is working for this vulnerable species.

- **Priority Areas – Freshwater Pearl Mussels**

An incident that occurred in the River Lyon in Tayside is being investigated by the police for the injury and killing of FWPM and by Scottish Environmental Protection Agency for the pollution aspect. A survey of the river found three inches of silt in the river bed in places, which resulted in the finding of four dead FWPM and several live but filled with silt (injured). The full impact of this is not currently known although it is believed to be substantial; the River Lyon is a large tributary from the River Tay which is a SAC due to its FWPM population and holds the status of one of the internationally important wildlife sites throughout Europe⁴. This incident was as a result of excessive discharges of silt from small hydro schemes and it is believed that schemes like this are becoming more common and potentially incidents like this could happen elsewhere. Greater interaction between SEPA, the UK TCG and the NWCUC is needed to progress this issue; NWCUC to develop.

- **Priority Areas – Poaching (Scotland) – Plan Owner Update**

The British Deer Society and the Association of Salmon Fishery Boards have now joined to ensure the full reach of the work of the Group. Results in year two (July 2009 ~ June 2010) have been very promising with a significant increase in intelligence and information flow to the police and NWCUC, with efforts to raise awareness using the new promotion tools continuing. The partnership approach taken to this crime priority has been successful and is now being replicated in other crime priority groups in Scotland.

⁴ River Tay Special Area of Conservation: Scottish Natural Heritage

- **Priority Areas – Poaching (England and Wales) – Plan Owner Update**

No update was received from the plan owner of the Poaching priority delivery group for England & Wales and this is the 5th time a report has not been produced (since October 2008).

- **Priority Areas – Deer Poaching - Potential for Poaching to Increase**

Scottish Venison and Glengoyne Distillery have urged consumers to eat more Venison as part of Scottish Venison Day which took place on September 4th 2010. Demand has been fuelled by the continuous mention on food and cookery programmes and by leading chefs. The Scottish Venison Working Group has set out priorities to meet the demand for venison as well as increasing the income stream to help support the rural economy. However, if the venison economy increases in demand through advertising, then there is the potential for criminals to exploit this by flooding the market with poached venison.

- **Priority Areas – Raptor Persecution**

The number of 'unconfirmed' poisonings being reported to the NWCUC causes concerns as potentially these could turn out to be non crime related if analysis fails to detect abuse. For this reason, unconfirmed poisonings should be viewed with caution. Ideally, any incident of this manner reported to the NWCUC should be followed up with any outcome of analysis conducted. This will allow the NWCUC to confidently report on the proven number of raptor poisonings occurring.

- **Priority Areas – Raptor Persecution (Scotland) - Plan Owner Update**

The Scottish Raptor Priority Group last met on 23 April, this proved a difficult meeting which became bogged down in licensing issues outwith the remit of the Group. Following the meeting the Chair initiated a review of the purpose and objectives of the group and was considering breaking the meeting down further into Prevention, Intelligence and Enforcement Sub Groups with a plenary session for the Steering Group bi-annually. A number of tasks emanated from this meeting and although there are challenges with the Group, there is no doubt the priority remains very high profile and very sensitive in Scotland. The Chair recently intimated his service retirement and his replacement as ACPOS lead on Wildlife and Environmental Crime has not yet been decided, however the Group will be restarted in due course.

- **Priority Areas – Raptor Persecution - Pesticide Abuse**

The RSPB have provided the following information in regard to this issue;

Only a relatively small number of products account for most of the poisoning incidents. It is clear that people involved in these offences are continually looking for sources of pesticides and to identify new products that may be effective. One problem that has been previously identified is that individuals may stockpile products, for which they have no legitimate use, for use in wildlife poisoning. With products that are still approved for use this is a particular problem. In 2004, new possession controls on pesticides were introduced in Scotland (through an amendment to the WCA). There have been at least 11 successful prosecutions under this legislation to date. Similar legislation was introduced in England and Wales (under NERC 2006). However, in England and Wales the actual

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list of pesticides, to which the new offence would apply, was never put in place. The RSPB believe this is a legislative problem that should be highlighted by the UK TCG.

- **Priority Areas – Raptor Persecution - Schedule 4**

The RSPB have provided the following information in regard to this issue;

The loss of these controls despite wide support from police, JNCC, RSPB and others has been very disappointing. The RSPB have noticed an increase in peregrine thefts in areas of SW Scotland, which were traditionally targeted by falconry thieves in the 1980's and early 1990s. The recent prosecution of Jeffrey Lendrum clearly illustrates the remaining demand for wild taken peregrines. Close attention needs to be given to levels of breeding success of species like peregrines and goshawks in captivity to see if this may be an indication of any increased take from the wild.

It may be helpful if there was a mechanism to highlight whether there are concerns about other wild taken species of birds, or indeed any animals, which are being laundered through the captive market. If this is a problem for other taxa, then consideration should be given for being able to introduce appropriate registration and marking requirement for those species. There are also the options of possession controls under the EU CITES regulations and these should be fully explored in the forthcoming COTES review.

- **Intelligence requirement – European Eel – Successful Conviction**

In June 2010 an individual received a fine and was disqualified from elver fishing for a year after he was caught fishing illegally in the River Parret in Somerset. Environment Agency found the individual using an illegal elver dip net on a tidal stretch of the river, the net was attached to a rope and float and was being used as a fixed engine. A fixed engine has serious wider environmental impact because it indiscriminately catches large amounts of other species that become trapped and crushed in its nets. This practice not only reduces the number of elvers that will develop as adults but elvers are also a valuable source of food for natural predators such as otters, kingfishers and herons⁵.

- **PESTELO – Political - Improved Publicity of Wildlife Crime**

The RSPB have provided the following information in regard to this issue;

Levels of wildlife crime and associated enforcement work need to be more widely publicised. Work in Scotland to publicise maps with confirmed poisoning data need to be repeated in the rest of UK and expanded to include all forms of confirmed persecution (shooting, trapping, nest destruction etc). Appropriate mechanisms, through PAW, need to be put in place to ensure there is a significant improvement in the output of information through the media.

- **PESTELO – Legislative - Northern Ireland bans Hare Coursing**

It has been agreed that hare coursing legislation banning the sport will come into effect when the Wildlife & Natural Environment bill comes to pass in Northern Ireland. The bill is currently in its final consideration phase in relation to which amendments are to be added, although the entire bill may still be rejected by the

⁵ www.thisiswesternmorningnews.co.uk

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assembly in its final stage. The hare coursing amendment was agreed to be included in the bill on 22/06/2010, however the legislation only covers hare coursing “events”, which is defined as a competition in which dogs are, by the use of live hares, assessed to their skill in hunting hares. There is as of yet, no official date to say when the bill will come into force although temporary measures such as no further licences to be issued to net hares have been introduced in the mean time⁶. The subsequent impact of these legislative changes is not known, although will likely effect crime levels.

⁶ http://www.niassembly.gov.uk/legislation/primary/2009/niabill5_09.htm

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1.0 Priority Areas

1.1 Badger Persecution

Objective:

Improve and increase the recording of incidents, crimes and intelligence for Badger Persecution. Improve the investigation process and increase awareness of Badger Persecution across the UK

Current Picture – Incidents – Summer

Badger persecution currently accounts for 11% (104) of wildlife crime incidents reported to the NWCUC during summer. The RSPCA⁷ now submit incidents of badger persecution to the NWCUC and this accounts for this sharp increase (badger persecution accounted for 5% (58) of incidents in the previous tactical assessment). The table below provides a breakdown of the greatest volume contributors during summer.

Submitting Force / Agency	No.
RSPCA	51
Cumbria	4
Grampian	4
Scottish Badgers	4

Receiving and processing incidents from organisations other than the police, does not necessarily mean there has been an increase in the actuality of crime, instead that we are learning more about its existence. For example, the RSPCA have provided us details of badger baiting taking place within the Greater Manchester Police force area. GMP currently does not provide data to the NWCUC and this picture is not likely to change in the immediate future so the RSPCA data is filling an important information gap.

Plan owner update

No update received.

⁷ Any duplicates of police reported incidents have been removed to avoid over counting

1.2 Bat Persecution

To reduce bat crime by,

- Working with key stakeholders to raise awareness of responsibilities and criminal offences against bats.
- Promoting a preventative approach.
- Improving the submission of intelligence and standards of investigation relating to bats across the UK.

Current Picture – Incidents – Summer

Bat persecution tends to be a low volume contributor in comparison to some of the other priority areas, usually accounting for around 2% of incidents. However, during summer this increased to 6% (60), this could be due to two reasons. Firstly, the expected increase during the summer season, as more bats are out and about and secondly the inclusion of data reported by the Bat Conservation Trust⁸. Of those incidents, 53% (32) were due to the development of properties that contained bats, thereby disturbing or destroying their roosts. The following table highlights where the greatest number of incidents were reported during summer.

Submitting Force / Agency	No.
Bat Conservation Trust	25
South Wales	5
Devon & Cornwall	3
Dyfed-Powys	3
Leicestershire	3

Protected Species: Standing Advice from Natural England

Natural England is consulting on revised Standing Advice in relation to protected species and some planning applications.

“This should enable the Local Authority to adequately assess the majority of planning applications in-house without the need to consult Natural England, although thresholds for when to seek our further advice are also provided. There is an increased risk in Local Authorities, without in-house ecologists, about the application of the standing advice. Implementation of the revised advice is expected in mid October.”

Plan Owner Update

1. How is the overall objective progressing? Are there any significant changes e.g. a prioritisation of work load?

Shortly prior to the last tactical assessment Chief Executive of the Bat Conservation Trust agreed to take on the role of plan owner for the bat wildlife crime priority.

2. What has happened since the last update? (with regard to Prevention, Intelligence and Enforcement).

On the 12 August the first bat crime plan owners meeting video conference was held. A number of actions were identified in the areas of prevention, intelligence and enforcement. During the period 1st June to 31st August; 37 incidents have been brought to the attention of the statutory enforcers for action. Many have been dealt

⁸ Any duplicates of police reported incidents have been removed to avoid over counting

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with very effectively through pro-active preventative action. There are however a few instances where the Police have been unwilling or unable to conduct effective investigations.

3. How many meetings have you had since the last update? And what is the overall summary of the progress?

No meetings have been held since the 12th August but all members of the group have ownership of specific actions and will report on progress when we next meet in November. The work of this group is still in its very early stages. We recognise that our work can be enhanced by bringing in additional members in particular a representative of the Police. Representatives of industry will also enhance the work of the group.

4. Have you had any links to any specific groups eg funding, training, legislation, etc

No

5. Have there been any notable successes?

No

6. Are there any specific issues/problems?

No

7. Have you any ongoing cases you wish to update or comment upon?

No

8. Have you engaged in any recent publicity to raise awareness of the priority? Are there particular issues of note (positive or negative) that the HLG should be aware of?

No

9. If there was a specific action/comment at the last HLG with regard to the priority, please update on progress.

No

10. Is there any update on funding?

No

11. Have you any comment to add to the TA section for your priority?

The increase in reports is considered to be an indication of improved reporting rather than any great increase in criminal activity. The number of incidents reported to enforcers for action is only a proportion of the number of incidents that come to the notice of BCT. For every incident that is referred there are perhaps three or four that are not referred as it is felt that enforcement action would be inappropriate. An example would be a builder who lifts roof tiles and finds bats. He stops work and self refers to BCT seeking advice. Potentially a criminal offence but clearly not in the public interest to investigate further.

12. If the incidents or intelligence figures quoted in the TA have significantly increased or decreased, can you comment on why this has happened?

Any increase in intelligence submissions is thought to be due to members of the priority action group improving the flow of information from within their organisations.

13. Are there any personnel changes to the Plan Owner or the PIE leads?

No

14. Is there any additional support you need to contribute to the Priority area?

No.

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1.3 CITES Issues

Objective:

Increase the number of disruption activities and detections of illegal trade in CITES priority species by:

- *Increasing the amount of targeted compliance activity*
- *Increasing the number of intelligence submissions and intelligence products produced*
- *Improve the quality of Analytical Assessments and complete in agreed time-scales*
- *Increase the number of investigations and enforcement outcomes*

Current Picture – Incidents – Summer

One ivory and eight CITES 'Other' type incidents were reported during summer, almost all of these referred to the sale of listed species without the relevant certification.

Monitoring the trade in Endangered Species

A new interactive tool that enables users to view trade data about wildlife and plants in 175 countries is now offered online by the Convention on International Trade in Endangered Species. The CITES Trade Data Dashboards lists more than ten million trade transactions with animals and plants. The dashboard displays data on internationally regulated species that are legally traded under CITES for such purposes as food, personal care, housing, clothing and scientific and medical research. The global dashboard displays global trade trends, while the national dashboard shows information by country. The dashboards are intended to provide decision-makers access to the trade information that will help them make the best decisions to ensure the conservation and sustainable use of CITES-regulated species. It can be accessed by visiting <http://cites-dashboards.unep-wcmc.org/>

Potential Increase in the use of Lion within TCM

A pending court case in South Africa in relation to the government shutting down the lion Captive Breeding farms may mean if it is successful then 5,000 lions will have to be put down, however lions are classified under Cites Appendix II, which affords a lower level of protection than is given to the more endangered Asian tiger, which falls under Appendix I. This means that lion parts could potentially be traded as a commodity and it is believed that the Asian markets that use tiger parts for traditional medicines may also use lion parts as an alternative as the two species are inter-breedable⁹. There have been some recent confiscations of intercepted lion patella bones (kneecaps) and if demand increases, it may result in an increase in the import of lion parts into the UK.

Changes to the trade of Rhino Horn

The UK Government has tightened controls in relation to the export of rhino horn from the UK. Now, no rhino horn will be eligible to leave the country unless it meets the strict criteria (e.g such as genuine museum trade). This will help combat the increase in rhino horn antiques selling in auction houses which are frequently exported to Asian countries ostensibly for personal purposes but are far more likely to end up in illegal traditional medicine markets. In this way, it will help to combat the global supply of rhino horn and help fight the illegal trade and supply. Recently,

⁹http://www.iol.co.za/index.php?set_id=1&click_id=14&art_id=vn20100722072202879C545960&singlepage=1

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awareness of rhino horn as a medicine has increased with the celebrity Elle Macpherson admitting that she uses it as a beauty product and it may be that demand rises due to this endorsement. Animal Health has contacted UK auction houses and antique trade associations to explain the revised rules. It is hoped that in future the BBC will be featuring a section on CITES controls in the television programme 'Flog It'.

Priority Areas - CITES Issues - Amendments to Priorities

At the most recent UK TCG (October 18) it was decided that the current priorities surrounding CITES will change. This decision was largely based on intelligence surrounding the current trade of each of these specimens. The outcome of this now means;

- Caviar now becomes an Intelligence Requirement
- Ramin now becomes an Intelligence Requirement
- Rhino horn becomes a priority under the TM's priority

Plan Owner Update

1. How is the overall objective progressing? Are there any significant changes e.g. a prioritisation of work load?

As a result of the CITES scoring meeting¹⁰ in July, rhino horn came out as a high priority on the scoring matrix. It was decided therefore that as the illegal trade was predominantly driven for its use in TCM's, that for the time being it would be dealt with within this priority. It was also agreed that because ramin has received the least amount of attention and there is very little intelligence held to suggest it is an issue, that it would be moved from a Priority to an Intelligence Requirement.

2. What has happened since the last update? (with regard to Prevention, Intelligence and Enforcement).

There has not been a great deal of preventive activity in the last quarter, The TCM leaflet being designed for distribution to traders. We will also be seeking to engage with the main trade associations when our final inspections are carried out early next year.

Animal Health arranged a training course on tortoise identification for a number of their inspectors so that they were able to assist the police on their visits. Feedback from both police officers and inspectors suggest this is working very well.

A wrap up document on the caviar priority was requested by the CPDG and subsequently delivered by the NWCUC. The assessment of the work carried out under the direction of the CPDG concludes that trade in illegal caviar is not a big issue in the UK.

3. How many meetings have you had since the last update? And what is the overall summary of the progress?

There have been two meetings since the last TCG and whilst there has not been as much activity this last quarter, much has been planned and is being executed currently.

4. Is the Action Plan being progressed? If not, why not?

The Action Plan is being progressed; however we do need to guard against marching on to the next priority when we have not completed the previous one. We do believe that we have the balance about right and working on two priorities at a time is achievable as long as we remain focussed on the objectives in hand.

¹⁰ Sub group of the WLEWG, made up of the CPDG, Kew, JNCC and TRAFFIC

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5. Have you had any links to any specific groups eg funding, training, legislation, etc

The WWF kindly funded the e-poster highlighting the reptile trade, in particular tortoises. The resulting poster was a considerable improvement on the first one which was done 'in house'. WWF have offered their expertise and potentially a small amount of funding for future projects and we look forward to working with them.

6. Have there been any notable successes?

There have been two cases resulting in custodial sentences, both of which involve illegal exportation of Annex A specimens. The first involved the illegal taking of 14 Peregrine Falcon eggs from nest sites in South Wales and trying to smuggle them out through Birmingham Airport. Jeffrey Lendrum was sentenced to 30 months in prison. The second involved an attempt to smuggle a pair of rhino horns that had been illegally removed from a deceased zoo animal by a local abattoir and sold through a third party to an antique dealer. The horns were concealed in a 'bronze Viennese statue' and were being taken to China for sale. Donald Allison was sentenced to 12 months in prison.

7. Are there any specific issues/problems?

The ivory priority is still causing concern in that whilst funding is available for the research required to develop a process to age ivory, so far attempts to find verified samples to use are proving to be allusive. We are currently looking at different options, one of which is to look for samples from the last decade or two. Marking of juvenile Annex A tortoises is still an issue which is where microchips have been found still not put into tortoises despite being well over the minimal size level. The NWCU have advised that their capacity to process intelligence logs is at saturation point. This may well have a knock-on effect on their ability to meet the demands from all the priority groups.

8. Have you engaged in any recent publicity to raise awareness of the priority? Are there particular issues of note (positive or negative) that the HLG should be aware of?

There has been considerable media interest built up around the successful prosecutions and the Interpol operations. At least four television companies have shown an interest in following the work of the different agencies involved in enforcing CITES.

The press interest emanating from the Allison case raised a significant amount of publicity about the illegal trade in rhino horn and the reasons why it needs to be stopped.

1.4 Freshwater Pearl Mussels

Objective:

Raise awareness of criminality affecting freshwater pearl mussels in order to facilitate intelligence and incident reporting, leading to increased prevention and enforcement action.

Current Picture – Incidents – Summer

Over summer there have been seven reported incidents in relation to FWPM¹¹. This is unusually higher than the number of reports normally, (typically between 0-2 has been reported each season over the previous 12 months). The following table provides a breakdown of how the incidents occurred.

Submitting Force	Discovery of shells	Poaching	Possible predation	River engineering works	No.
Grampian		1			1
Northern	1		1		2
Tayside		1		3	4
Total	1	2	1	3	7

One of the incidents on the River Lyon in Tayside is being investigated by the police for the injury and killing of FWPM and by Scottish Environmental Protection Agency (SEPA) for the pollution aspect. A survey of the river found three inches of silt in the river bed in places, which resulted in the finding of four dead FWPM and several live but filled with silt (injured). The full impact of this is not currently known although it is believed to be substantial; the River Lyon is a large tributary from the River Tay which is a SAC due to its FWPM population and holds the status of one of the internationally important wildlife sites throughout Europe¹². This incident was as a result of excessive discharges of silt from small hydro schemes and it is believed that schemes like this are becoming more common and potentially incidents like this could happen elsewhere. In addition, SNH is investigating whether there has been sufficient damage to the resident pearl mussels for a case to be brought under the Environmental Liabilities (Scotland) Regulations 2009. These regulations implemented the Environmental Liability Directive in Scotland. This is the first case where SNH are investigating the potential for a case affecting pearl mussels. So far, no cases have been brought forward in Scotland.

To provide some context regarding the Environmental Liability Regulations; The Regulations are a means of further implementing ‘the polluter pays’ principle. The Regulations reinforce the measures that businesses already take to prevent damage to the environment as a result of their activities. If such measures fail, the Regulations help ensure that preventive measures are taken to avoid imminent threat of damage to relevant habitats and species, and that where serious damage occurs, full remediation takes place at the operator’s rather than public expense.

The threshold for biodiversity damage as defined in the Regulations is high so, on past experience and given that in Scotland management of land and water

¹¹ One incident may be non crime related as it is suggested the FWPM are being predated by crows

¹² River Tay Special Area of Conservation: Scottish Natural Heritage

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generally follows good practice, cases will be few. At present SNH is trying to establish if this high threshold has been breached in the cases in Glen Lyon.

The Regulations are unlikely to impact on operators if they follow best practice and keep to the conditions of regulatory licences or consents.

The Regulations are based on civil law, so no offence is committed if operators notify the competent authority of damage and carry out the preventive or remedial measures required. As part of our investigation, SNH is establishing for sure that the operators of the construction sites for the hydro schemes did not meet the conditions in their planning permissions etc and did not notify the local authority/SEPA.

UK Biodiversity Species Action Plan for Pearl Mussels.

A meeting took place on the 13th October regarding pearl fishing and habitat damage such as the case at Glen Lyon. Information concerning this issue exchanged with conservation bodies elsewhere in the UK. Usually, pearl fishing is an issue exclusive to Scotland because there are so few other populations left in the UK. An outcome of this meeting will feature within the next Tactical Assessment if it is deemed relevant to the TCG.

Plan Owner Update

9. How is the overall objective progressing? Are there any significant changes e.g. a prioritisation of work load?

The plan's priority continues to be on prevention, principally by raising awareness so that the greatest amount of information flows into police and the NWCUC, to generate good intelligence and aid enforcement.

10. What has happened since the last update? (with regard to Prevention, Intelligence and Enforcement).

Following the publicity associated with the launch of "Operation Caesar" in May, tasking Scottish police forces with raising awareness about criminality affecting pearl mussels, the issue featured on the BBC 'One Show' in July. SNH also distributed awareness raising leaflets and posters to all commercial rafting companies operating in Scotland during the summer, in order that their staff are aware and encouraging them to increase awareness with their clients. Training has also been provided to fisheries biologists across Scotland during Spring 2010 to further raise awareness of criminality affecting pearl mussels. SNH is awaiting a further reprint of a leaflet in order to further raise awareness via SEPA and Forestry Commission offices.

11. How many meetings have you had since the last update? And what is the overall summary of the progress?

The priority group met on the 13th May. There has been no further meeting to date but the priority plan leader will organise one for October/November to review progress over the year. Progress has been good with the strategy felt to be working well. Actions were confirmed, particularly to task police forces with raising awareness by active distribution of a leaflet.

12. Are there any issues with the meetings?

None identified

13. Is the Action Plan being progressed? If not, why not?

The Action Plan has been updated by the plan owner and it is felt to have the correct focus and spread of actions. Using the experience of group members, the

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action plan was compared against other priority plans and considered to be focussing on the correct areas.

14. Have you had any links to any specific groups eg funding, training, legislation, etc

No.

15. Have there been any notable successes?

The police launch of 'Operation Caesar' appears to have been successful, with a significant amount of publicity generated and good interest from a range of interests. It also looks like two pollution incidents on the River Lyon are likely to lead to criminal charges with a reasonable likelihood of taking these to court.

16. Are there any specific issues/problems?

It is hoped that the specific tasking of local police stations/officers under Operation Caesar will help improve the consistency in approach between police forces.

17. Have you any ongoing cases you wish to update or comment upon?

Two pollution incidents following apparently poor construction practice and site management on two hydro-electric schemes in Glen Lyon resulted in considerable damage to the local pearl mussel population. Investigations by Tayside Police, supported by SEPA and SNH, look likely to lead to criminal charges being made under the Wildlife and Countryside Act for damage to pearl mussels. Any conviction would be a first in Scotland and a considerable success for the priority plan.

SNH is also investigating whether there has been sufficient damage to the pearl mussel population for civil action to be pursued under the biodiversity provisions of the Environmental Liabilities (Scotland) Regulations 2009. The threshold for damage is very high. However any action that is taken forward would be the first time this has been done under those regulations for any habitat/species in Scotland.

Finally, a disappointing case was the finding of a new population of pearl mussels in a remote location in the Outer Hebrides. While it was encouraging to find out about this previously unknown population, the find was accompanied by evidence of sustained and considerable damage by pearl fishers. The damage was such that the only surviving pearl mussels appear to be in natural 'sumps' in the stream and all mussels in the open channel had been killed. This find follows other pearl fishing incidents in the Outer Hebrides which have caused the near local extinction of other populations. It is hoped that awareness raising under 'Operation Caesar' and local training with a range of organisations will start to address the apparently intense pressure from local pearl fishing.

18. Have you engaged in any recent publicity to raise awareness of the priority? Are there particular issues of note (positive or negative) that the HLG should be aware of?

Feedback following the May launch of Operation Caesar has been positive and resulted in interest in follow up coverage on the BBC 'The One Show' featuring the NWCU and SNH.

19. If there was a specific action/comment at the last HLG with regard to the priority, please update on progress.

N/A

20. Is there any update on funding?

Funding from SNH has been secured to reprint the Scottish anti-pearl fishing leaflet, particularly for further distribution via SEPA and Forestry Commission offices.

21. Have you any comment to add to the TA section for your priority?

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Reports of damage to pearl mussel populations during 2010 appear to be of a similar number to the past couple of years. Again, this year some of the incidents have caused significant local damage. Two pollution incidents in Glen Lyon have been very severe, with at least one probably killing nearly all pearl mussels <15 years old in one stretch of the river. Populations of pearl mussels that contain such relatively young mussels (young, because the species lives for >100 years!) are incredibly rare in the world and therefore such damage is of potential international significance. Also the finding of a pearl mussel population in the Outer Hebrides that is now restricted to only underground, natural 'sumps' in the river channel by sustained pearl fishing again shows the damage criminal activity is having. However, awareness is now such that both incidents (and others) are being recorded and actively investigated with likely enforcement action in the former case. This is encouraging and shows the priority plan is working for this vulnerable species.

22. If the incidents or intelligence figures quoted in the TA have significantly increased or decreased, can you comment on why this has happened?

See above.

23. Are there any personnel changes to the Plan Owner or the PIE leads?

No changes.

24. Is there any additional support you need to contribute to the Priority area?

N/A

1.5 Poaching

Objective: – For Scotland

To increase the level of awareness of poaching and hare coursing as serious wildlife crimes and build better trust and relationships between the law enforcement agencies and local rural communities, both leading to increased prevention activity, intelligence flows and enforcement success.

Objective: – For England and Wales TBC.

Current Picture – Incidents – Summer

In total the four categories of poaching¹³ accounted for 39% (373) of all incidents during the summer with each type of poaching appearing to affect different force areas. The category of 'Poaching Other' was at its lowest level during summer, with 91 incidents reported; this is the least reports received over the last twelve months. The table below compares the number of incidents received this summer against last summer and indicates the poaching of fish is the only category that has increased and will be explored further.

Category Type	Poaching - Other	Poaching - Fish	Poaching - Deer	Hare Coursing
Summer 2010	91	113	51	118
Summer 2009	143	102	63	149
Difference	-37% (52)	11% (11)	-19% (12)	-21% (31)

¹³ Poaching Other, Deer, Fish and Hare Coursing

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Incidents – Hare Coursing

While it may appear hare coursing has reduced this year against last year, data is missing from Essex (historically a high volume contributor) for July and August 2010 and may explain this disparity. The table below provides a breakdown for the highest contributors for both summer 09 and 10. It highlights the disproportionate amount of crime occurring there, during 2010 those four forces accounted for over three quarters of hare coursing despite only accounting for 10% of all the forces currently submitting NSIR data¹⁴. The existence of cross border activity between these English and Scottish forces is likely and targeting these areas will have the greatest impact on reducing the number of incidents overall.

Submitting Force	Summer 09	Summer 10
Lincolnshire	48	36
Humberside	20	17
Grampian	9	16
Tayside	9	22
Proportion	58% (86)	77% (91)

Northern Ireland bans Hare Coursing

It has been agreed that hare coursing legislation banning the sport will come into effect when the Wildlife & Natural Environment bill comes to pass in Northern Ireland. The bill is currently in its final consideration phase in relation to which amendments are to be agreed to be added, although the entire bill may still be rejected by the assembly in its final stage. The hare coursing amendment was agreed to be included in the bill on 22/06/2010, however the legislation only covers hare coursing “events”, which is defined as a competition in which dogs are, by the use of live hares, assessed to their skill in hunting hares. There is as of yet, no official date to say when the bill will come into force although temporary measures such as no further licences to be issued to net hares have been introduced in the mean time¹⁵. The subsequent impact of these legislative changes is not known, although will likely affect crime levels.

Training Provided to Non Police to Increase Awareness of Poaching

Training has been provided to agency staff within the North Yorkshire area concentrating predominantly towards poaching with inputs from the British Deer Society. It was attended by personnel from two national parks, Natural England, Forestry Commission and Ministry of Defence and was workshop based and was well received. The training was seen as beneficial for partners so that they are aware of what wildlife crime is and what is occurring locally to them. Many of our partners work in the Heather uplands so a workshop was included on Raptor persecution by Natural England.

Incidents – Deer Poaching

During summer the number of deer poaching incidents being reported was at its lowest compared to the previous three seasons. This may be consistent with seasonal trends when typically lower reports are received during summer. In summer 2010, 59 incidents were reported against 63 in summer 2009. The highest volume contributors for summer 2010 are shown in the table overleaf.

¹⁴ During summer 2010, 40 police forces submitted NSIR data to the NWCUC

¹⁵ http://www.niassembly.gov.uk/legislation/primary/2009/niabill5_09.htm

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Submitting Force	No.
Humberside	9
Dumfries & Galloway	6
Cumbria	5
Grampian	4

It would appear from the incident data that deer poaching predominantly affects the north of England and pockets of Scotland, which may reflect the more densely, inhabited deer populations within those areas. Within Scotland specifically, there has been a year on year increase of 7% of deer poaching and a change in the modus operandi has also occurred within that time, where coursing with dogs has increased in popularity and shooting has decreased. The Country Land and Business Association and British Deer Society report that deer poaching has increased significantly in the past five years and suggest this is likely to be in response to high populations in localities. One possible example of this can be seen within Strathclyde where its peri urban deer population has increased recently and is spreading into the more built up areas. Strathclyde now account for over one fifth of deer poaching in Scotland, although it is not known how much one factor has affected the other. Reports within the media have also highlighted increased deer sightings in Nottingham city centre. This will be explored further in the strategic assessment to determine the extent to which peri urban deer populations are increasing and what potentially the impact of this could be.

Although there are some exceptions, most seasons for deer shooting open in October and November and this may result in an increase in reports of deer poaching during autumn and winter. There could be three reasons for this; firstly people may mistakenly report an incident of poaching when it had in fact been a legal shoot and secondly the shooting of deer (despite of whether the season is open or closed) will be illegal unless they have permission from the landowner. Lastly, the demand for venison is likely to increase in the run up to Christmas.

Potential for Poaching to Increase

Scottish Venison and Glengoyne Distillery have urged consumers to eat more Venison as part of Scottish Venison Day which took place on September 4th 2010. Demand has been fuelled by the continuous mention on food and cookery programmes and by leading chefs. The Scottish Venison Working Group has set out priorities to meet the demand for venison as well as increasing the income stream to help support the rural economy. However, if the venison economy increases in demand through advertising, then there is the potential for criminals to exploit this by flooding the market with poached venison.

Incidents – Fish Poaching

During summer 2010 the poaching of fish was the only category of poaching to have increased from last summer. In more general terms though, fish poaching is most lucrative during June to December so incidents during summer are expected to be higher. However, this increase occurred during the intervention of Operation Sterling that covered England and Wales. It is important to note that the success of an operation cannot be judged on a decrease of incidents, as often raised awareness of an issue will lead to an increase in the *reporting* of incidents. Furthermore, the setting of measurable objectives before any operation will enable any subsequent results analysis to determine the success or the downfall of an operation. The table provides a summary of the greatest contributors during

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summer. Please note that two of the highest contributors are forces located in Scotland who will not have experienced increases in reports as a consequence of Operation Sterling.

Submitting Force	No.
Grampian	15
Kent	13
Metropolitan	11
Strathclyde	8

Fishing Ban

The Nottinghamshire Wildlife Trust (NWT) has banned angling at 65 of its waters, and stopped fishing at all but one of its reserves¹⁶. The NWT is one of 47 individual Wildlife Trusts across the UK. There is also the potential for illegal fishing activities to occur where it may not have been adequately publicised that it is now banned. It is not known why this decision was taken by NWT, although there are a lot of protests from angling societies and clubs about this decision and there is the possibility that other Wildlife Trusts may follow suit.

Plan Owner Update – Scotland

The group met last on the 26th July 2010 to review, progress, agree and update the Action Plan for the next 12 months. The British Deer Society and the Association of Salmon Fishery Boards have also now joined the group to ensure the full reach of the work of the Group. Results in year two (July 2009 ~ June 2010) have been very promising with a significant increase in intelligence and information flow to the police and NWCUC. Efforts to raise awareness using the new promotion tools continue. The partnership approach taken to this crime priority has been successful and is now being replicated in other crime priority groups in Scotland.

Prevention

The prevention objective has focused on raising awareness using the suite of posters and the new leaflet.

To date (October 2010): Evidence has been given by a number of organisations (BASC, GWCT, SGA, SRPBA and the Police) to the Rural Affairs and Environment Committee under Stage 1 of the Wildlife and Natural Environment Bill on the scale and effect of poaching and hare coursing in Scotland. This has covered the importance of deer poaching and hare coursing in the statistics produced by the NWCUC, the impact on land managers and the role played by Special Constables recruited from the land management sector. This has delivered some useful publicity on poaching and has raised the profile of such activities in political circles. One of the proposals in the Bill is to remove existing powers of arrest by gamekeepers and landowners which exist to enable them to deal with poachers on their land. While these powers are little used, they do exist and as such they are a deterrent - there is some concern that such removal of these powers could embolden poachers.

The research on the traceability of human DNA from deer carcasses etc. is ongoing and due to report by the end of the year.

Incidents

- Overall, reported incidents have increased by 15% (42) from year one (July 2008 ~ June 2009) into year two (July 2009 ~ June 2010)

¹⁶ <http://www.gofishing.co.uk/Angling-Times/Section/News--Catches/General-News/September-2010/Wildlife-Trust-bans-fishing-at-65-of-its-waters/>

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- This is most prevalent for incidents of fish poaching, which increased by 49% from 59 reported incidents during year one to 88 incidents reported in year two
- Hare coursing saw the least increase of the three areas, increasing by only 5% (7) from year one into year two

Altogether, it appears that increases in both incidents and intelligence have taken place across Scotland for the three main types of poaching activity. This reflects success in one of the key objectives for the Scottish Poaching Priority Delivery Group which is to 'increase the level of awareness of poaching and hare coursing ... leading to increased ... intelligence flows'.

Publicity.

The success of the Deer Watcher project in Morven, undertaken by the Morvern Deer Management Group with support from SNH, was highlighted in Land Business Magazine and in the PAW Scotland newsletter.

Plan Owner Update – England & Wales

No update was received from the plan owner of the Poaching priority delivery group for England & Wales and this is the 5th time a report has not been produced (since October 2008).

1.6 Raptor Persecution

Objective: (Both England & Wales and Scotland):

Raise community trust and awareness to facilitate intelligence and incident reporting, leading to increased prevention and enforcement activity relating to Raptor Persecution.

Current Picture – Incidents – Summer

Raptor persecution (including poisoning) accounted for 4% (41) of all incidents reported during summer; this was only a slight decrease to the number of reports received during summer 2009 (43). The table below provides a full breakdown of the type of incidents reported during that period.

Submitting Force	Bird Registration	Chick Theft	Confirmed Poisoning	Nest Disturbance	Shooting	Suspicious Activity	Traps / Snares	Unconfirmed Poisoning	Wild Caught Birds	Total
PSNI					1	1		3		5
Tayside		1	1	1				1		4
Grampian				2		1				3
Gwent				2				1		3
South Wales	2					1				3
Strathclyde		1		1		1				3
Dumfries & Galloway			1			1				2
Dyfed-Powys			1	1						2
Humberside					1		1			2
Merseyside					1				1	2
Northern				1				1		2
Northumbria				1					1	2
Cumbria					1					1
Derbyshire					1					1
Devon & Cornwall				1						1
Essex				1						1
Leicestershire							1			1
North Wales					1					1
Nottinghamshire									1	1
Surrey					1					1
Total	2	2	3	11	7	5	2	6	3	41

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The number of 'unconfirmed' poisonings being reported to the NWCUC causes concerns as potentially these could turn out to be non crime related if analysis fails to detect abuse. For this reason, unconfirmed poisonings should be viewed with caution. Ideally, any incident of this manner reported to the NWCUC should be followed up with any outcome of analysis conducted. This will allow the NWCUC to confidently report on the proven number of raptor poisonings occurring.

Pesticide Abuse

The RSPB have provided the following information in regard to this issue;

Only a relatively small number of products account for most of the poisoning incidents. It is clear that people involved in these offences are continually looking for sources of pesticides and to identify new products that may be effective. One problem that has been previously identified is that individuals may stockpile products, for which they have no legitimate use, for use in wildlife poisoning. With products that are still approved for use this is a particular problem. In 2004, new possession controls on pesticides were introduced in Scotland (through an amendment to the WCA). There have been at least 11 successful prosecutions under this legislation to date. Similar legislation was introduced in England and Wales (under NERC 2006). However, in England and Wales the actual list of pesticides, to which the new offence would apply, was never put in place. The RSPB believe this is a legislative problem that should be highlighted by the UK TCG.

Targeted Species

Of the 41 incidents reported, just over one third (34% / 14) were in reference to the five key priority species and is broken down;

- Red kites (5)
- Goshawk (4)
- Hen harrier (3)
- Golden eagle (2)

No incidents occurred against white tailed eagles during summer. Longer term trends of raptor persecution and which species are affected will be examined in more detail within the Strategic Assessment.

The most occurring incident during summer was nest disturbance, two of these incidents referred to the felling of trees close to peregrine and goshawk nests. Peregrines were also the most common of species involved in incidents during summer, eight (20%) in total. One of these involved the theft of three chicks from a nest in Strathclyde in June. The theft and attempted smuggling of fourteen peregrine falcon eggs was well published within the media due to the punishment the suspect received.

Conservation Measures to Limit Criminality¹⁷

Although it is smugglers caught taking birds across borders who grab the newspaper headlines, behind the scenes there are long term efforts to stem the flow of illegal eggs and birds into the Gulf states region. A remote farm in rural west

¹⁷ <http://www.bbc.co.uk/news/science-environment-11086707>
<http://www.rookespetproducts.co.uk/birds-of-prey-being-bred-for-gulf/>

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Wales is an unlikely headquarters for this counter-smuggling scheme. But far from using highly-trained security guards at airports, the environmental group, Wildlife Consultants International (WCI) is itself taking eggs from the nests of breeding pairs. Obliging, the nesting pair lay fresh eggs to replace those that are taken. The captive breeding centre sells many of the falcons to the Middle East, but it has a licence to do so. Today in the region, wealthy sheikhs commonly have a collection of falcons that they buy at auction and keep all year round. Among the Gulf states, Abu Dhabi has taken the lead in formulating plans to ensure that hunting remains a viable sport and not just in its own region. It sponsors work by Wildlife Consultants International in many part of the globe. "By supplying the demand of Gulf markets with top quality birds, we believe we can stem the number of birds being smuggled in from Central Asia and Pakistan." Nick Fox director of WCI claims. "We need to balance supply and demand, while at the same time ensuring that hunting with birds remains part of the culture in that part of the world."

Threat

The demand in the Gulf / Middle East region may be creating a supply demand here in the UK

Schedule 4

The RSPB have provided the following information in regard to this issue;

The loss of these controls despite wide support from police, JNCC, RSPB and others has been very disappointing. The RSPB have noticed an increase in peregrine thefts in areas of SW Scotland, which were traditionally targeted by falconry thieves in the 1980's and early 1990s. The recent prosecution of Jeffrey Lendrum clearly illustrates the remaining demand for wild taken peregrines. Close attention needs to be given to levels of breeding success of species like peregrines and goshawks in captivity to see if this may be an indication of any increased take from the wild.

It may be helpful if there was a mechanism to highlight whether there are concerns about other wild taken species of birds, or indeed any animals, which are being laundered through the captive market. If this is a problem for other taxa, then consideration should be given for being able to introduce appropriate registration and marking requirement for those species. There are also the options of possession controls under the EU CITES regulations and these should be fully explored in the forthcoming COTES review.

Recommendation

UK TCG to consider.

Hen Harrier Conservation Framework

The following is an appraisal of the above research provided by RSPB;

The hen harrier conservation framework report identifies constraints acting on hen harrier populations and assesses the impact of these on the ability of hen harrier populations to achieve favourable conservation status. Although focussed on Scotland, the report's conclusions apply to the UK range of hen harriers.

The report identifies persecution as the main constraint acting on hen harrier populations in all but one area where hen harriers are currently in unfavourable conservation status (North Caithness and Orkney being the exception, where prey is in short supply). The report plots the location of all 'confirmed' and 'probable' instances of hen harrier persecution recorded in

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Scotland, using RSPB data. The density of these persecution incidents is positively correlated with the percentage of land surface area classified as muirburn (a form of burning management used as a surrogate for distribution of grouse moor management). As the density of persecution incidents increases, so the proportion of successful hen harrier nests declines. The report provides further strong evidence for a relationship between grouse moor management and areas where persecution incidents are concentrated. 75% of known persecution incidents occurred within 1km of muirburn management and 82.7% within 2km. Only 4.8% of incidents occurred >5km away from areas of muirburn. The hen harrier conservation framework report can therefore be used to help identify and prioritise areas for enforcement effort.

The report suggests that there is sufficient suitable habitat in England to support a breeding population of 323-340 pairs of hen harriers: in 2010, there were fewer than 10 successful breeding attempts. It concludes that hen harriers are unlikely to achieve favourable conservation status in England or Scotland unless illegal persecution is halted or significantly reduced. These findings are broadly similar to those of SNH's golden eagle conservation framework report, published in 2008.

Plan Owner Update for England and Wales

“Despite what was described as a positive and useful meeting held in March 2010 we have as a group been unable as yet to find a way to substantially progress the objective set for this priority. As plan owner I am relatively new to the issue of raptor persecution but that perhaps allows me to take a fresh view of the situation. It is clear to me that in order for the levels of raptor persecution to be reduced those who at present feel compelled to persecute raptors have to be provided with alternatives that might include relocation or other initiatives. Many suggest that the absence of birds of prey in particular areas is in itself evidence of persecution and this may be the case. What is clear is that the number of confirmed incidents of persecution of our priority species each year is very small and it has to be accepted that however professional the investigation into each is carried out there is only a negligible risk of the offender being called into account.

In short I feel that whilst there is certainly work to be done that will improve standards of investigation and intelligence gathering much more needs to be done that will provide alternatives to the need to persecute these birds. I am aware of but not involved in initiatives that seek to address this issue in particular the work of the Environment Councils Hen Harrier Dialogue and look forward to seeing positive outcomes from that work.

In the meantime I intend to take a fresh look at the ideas that came out of our meeting in March and will identify some areas where we can take matters further. I intend and hope that we will do this with the assistance and support of all those who have given of their time so far. “

Plan Owner Update for Scotland

1. How is the overall objective progressing? Are there any significant changes e.g. a prioritisation of work load?

The Scottish Raptor Priority Group last met on 23 April, this proved a difficult meeting which became bogged down in licensing issues outwith the remit of the

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Group. Following the meeting the Chair initiated a review of the purpose and objectives of the group and was considering breaking the meeting down further into Prevention, Intelligence and Enforcement Sub Groups with a plenary session for the Steering Group bi-annually. A number of tasks emanated from this meeting and although there are challenges with the Group, there is no doubt the priority remains very high profile and very sensitive in Scotland.

The Chair recently intimated his service retirement and his replacement as ACPOS lead on Wildlife and Environmental Crime has not yet been decided, however the Group will be restarted in due course.

Operationally the situation remains varied throughout Scotland with a number of very high profile incidents in the Northern Constabulary and Tayside Police areas. Conversely incidents in Grampian Police area are falling and, although early days, it is assessed that this may well be a result of the Grampian PAW led RaptorWatch Project.

2. What has happened since the last update? (with regard to Prevention, Intelligence and Enforcement).

Prevention: High profile and effective media campaigning has taken place throughout the year and continues to be a very effective means of raising awareness.

3. How many meetings have you had since the last update? And what is the overall summary of the progress? For example:

Further to the update at 1 above, it is my view that the roles of the individual participants on the priority group need to be reassessed and agreed prior to restarting the meetings.

4. Are there any issues with the meetings?

The correct people are attending the meeting however it is not clear that all participants understand or accept their role or the remit of the Group.

5. Have you engaged in any recent publicity to raise awareness of the priority? Are there particular issues of note (positive or negative) that the HLG should be aware of?

The Minister for the Environment, Roseanna Cunningham, continues to add strong and supportive statements to media releases. This action alone continues to keep the priority in the media spotlight.

6. Are there any personnel changes to the Plan Owner or the PIE leads?

To date, no, but as explained above the Plan Owner is retiring and his replacement has not yet been identified.

2.0 Intelligence Requirements

2.1 CITES – Annex A Orchid Species

Current Picture - Summer

One report of the theft of giant orchids was reported in July after five wild plants were dug up.

2.2 European Eel (illegal taking of, and trade in)

Current Picture - Summer

There were no incidents of the illegal taking or trading of European eels reported over summer. Despite the low number of incidents reported to the NWCU¹⁸, criminality involving eels occurs as the example below explains;

Successful Conviction

In June 2010 an individual received a fine and was disqualified from elver fishing for a year after he was caught fishing illegally in the River Parret in Somerset. Environment Agency found the individual using an illegal elver dip net on a tidal stretch of the river, the net was attached to a rope and float and was being used as a fixed engine. A fixed engine has serious wider environmental impact because it indiscriminately catches large amounts of other species that become trapped and crushed in its nets. This practice not only reduces the number of elvers that will develop as adults but elvers are also a valuable source of food for natural predators such as otters, kingfishers and herons¹⁹.

2.3 Finch Trapping

Current Picture - Summer

During summer four reports of finch trapping were reported by police. Three from the Metropolitan Police and one from South Wales. This is consistent with the number of finch trapping incidents received during summer 2009, although it is difficult to establish seasonality with this area of crime due to the nature of it and the historically low number of incidents that are reported.

Recent Convictions

A 58-year-old Berkshire man was sentenced to six months in prison and banned from keeping birds for ten years after he admitted keeping and attempting to trap wild caught birds, following an investigation by the RSPCA. Phillip Vellas of Powney Road, Maidenhead was sentenced to a six-month prison sentence suspended for two years at Slough Magistrates Court on July 16. He was also ordered to pay costs of £7,500, to complete 150 hours community service and has also been disqualified from keeping, possessing, transporting or handling birds for ten years. Officers found more than 100 birds – including a number of wild birds – at the home of Phillip Vellas in April last year when a warrant was carried out by police with RSPCA inspectors.

¹⁸ Only two reports ever received; Northern August 07 and Essex Aug 09

¹⁹ www.thisiswesternmorningnews.co.uk

2.4 Illegal taking of wild bird eggs

Current Picture – Summer

The number of reports received in relation to the illegal taking of wild bird eggs had decreased during summer (4) in comparison to the number of reports received in summer 2009 (11).

3.0 Non Priority Areas

Current Picture – Incidents - Summer

During summer, 69 incidents of habitat destruction were reported, which is 31% (31) decrease on the number of reports received during summer 2009. Although it is difficult to establish if this is due to less police forces reporting incidents overall. Most offences of this type occurred specifically within SSSI's (61% / 42) during summer. The following table highlights the greatest contributors during this period, it is likely that the below force areas are better at recording incidents of habitat destruction rather than experiencing an increased level of criminality in comparison to other forces.

Submitting Force	Total
Dorset	26
Gwent	8
South Wales	7

It is estimated that much of the habitat destruction and damage to any SSSI's is as a result of deliberate and careless behaviour and it is relatively rare for punishment to be rewarded other than a fine.

Key Dates for Planning

- Amendments to the general licences issued in Wales under the Wildlife and Countryside Act 1918 (as amended) come into force, 1 January 2011
- UK Strategic TCG & PAW Steering Group, London, 17 February 2011
- PAW Seminar, location: TBC, 2 March 2011

4.0 PESTELO issues

4.1 Political

- **Lawton Review report - 'Making Space for Nature' on England's Wildlife Sites and Ecological Networks'**

An independent review of England's wildlife sites and the connections between them was published on 24 September. The review looked at wildlife sites and whether they are capable of responding and adapting to the growing challenges of climate change and other demands on our land. Recommendations for establishing a strong and connected natural environment include:

- Establishing new, large, Ecological Restoration Zones, harnessing the energies and ambition of the Big Society, and drawing on expertise in national bodies
- Better protection and management of our designated and non-designated wildlife sites

- **Improved publicity of Wildlife Crime**

The RSPB provided the following in relation to this issue;

Levels of wildlife crime and associated enforcement work need to be more widely publicised. Work in Scotland to publicise maps with confirmed poisoning data need to be repeated in the rest of UK and expanded to include all forms of confirmed persecution (shooting, trapping, nest destruction etc). Appropriate mechanisms, through PAW, need to be put in place to ensure there is a significant improvement in the output of information through the media.

4.2 Environmental

- **Marine Protected Areas**

The UK Government has submitted fifteen new marine protected areas to the European Commission to be included within the "Natura 2000" network of protected areas. "Natura 2000" is the network of sites including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) which compliment the Habitats Directive 1992 and the Birds Directive 1979. These Marine protected areas are designed to protect important habitats and species and have been selected on the basis of the best scientific evidence gained through rigorous assessments. The areas will bring protection to the habitats including reefs, sea caves and sandbanks where the marine life thrives. Birds will also benefit as some sites have been selected for the conservation of the red-throated diver and common scoter. These areas will also work in conjunction with the Marine Conservation Zones, which were originally created under the Marine and Coastal Access Act 2009. There will be 2 consultations which start on 20/08/2010 for a further two areas to be proposed to the European Commission as new marine protected areas. These consultations will close on 12/11/2010. Full lists of the proposed sites are available at <http://ww2.defra.gov.uk/2010/08/20/protection-uk-seas/>.

- **Pressure on Hen Harrier Population**

In December 2008, Natural England produced the report 'A Future for the Hen Harrier in England?' which highlighted the successful hen harrier breeding attempts occurring in the Bowland area of Lancashire, and stated how in the rest of the UK, breeding attempts were failing due to illegal hen harrier persecution. In June 2010, Natural England and the RSPB confirmed that an eagle owl was filmed attacking a nesting female hen harrier in the Bowland area, where its nest eventually failed. A small number of non-native eagle owls have become

established in the Bowland area, due to these birds escaping from captivity. Eagle owls have since been included on Schedule 9 of the 1981 Wildlife & Countryside Act 1981 which makes it illegal to release eagle owls into the wild in the UK. There is potential that if the Bowland area is the only relatively successful area where hen harriers are nesting and breeding then the small population of non-native eagle owls that reside in the same area may have a potential impact on their nesting attempts.

- **Discovery of Non Native Species**

The gammarid shrimp, *Dikerogammarus villosus*, common name 'killer shrimp', has been found at Grafham Water, an Anglian Water reservoir in Cambridgeshire. This is the first time the shrimp, which is classified as an invasive species, has been found in this country. Samples were identified by the Environment Agency on 3 September which then worked quickly with Anglian Water to put precautionary biosecurity measures in place. The shrimp has already colonised parts of Western Europe, affecting a range of native species such as freshwater invertebrates, particularly native shrimps and even very young fish, altering the ecology of the habitats it invades. Insects such as damselflies and water boatmen, common sights on British lakes and rivers, could be at risk, with knock-on effects on the species which feed on them.

- **Successful Breeding Project**

A project which involved fresh water pearl mussels up to 80 years old being collected from the River Dee have finally seen breeding success at Environment Agency Wales' (EAW) fish hatcheries in Dolgellau, Gwynedd. In a bid to save the mussels, around 60 were collected from stretches of the river in Conwy, Gwynedd and Denbighshire more than five years ago. They were taken by a team from EAW, Chester Zoo, Denbighshire council, the Countryside Council for Wales and North East Wales Wildlife. Only 21 of those are alive today and mussel larvae were spotted on salmon in the fish hatcheries this summer. Improvements to the river meant the mussels could eventually be returned in the near future.

4.4 Technological

- **Forensics**

In the future DNA testing for Animal Health related CITES/Schedule 4 bird issues will be undertaken by the DEFRA agency FERA at York²⁰. It is likely that AH will be able to undertake support to Police/UKBA investigations with regard to these areas of work across the UK. A Service Level Agreement is being developed and it is hoped that testing may be implemented before the end of the 2010.

- SASA, a Scottish Government research institute, has established a wildlife DNA forensic unit. This facility will provide a free service for Scottish wildlife and environment crime officers, as well as police wildlife crime officers from other regions of the UK. In addition, a no charge service will be offered to the SSPCA when carrying out their statutory duties.

4.5 Economic

- **Spending Review**

The outcome of the spending review will not be known until after the 20th October. This should be taken into account when deciding how to progress new work areas.

- **Efficiency Savings²¹**

Natural England have announced in June that it will not continue as lead partner in the current project for the reintroduction of white-tailed eagles to Suffolk. The project, to date jointly led by Natural England and the RSPB, has carried out extensive work to assess the feasibility of reintroducing white-tailed eagles to Suffolk. The project had finally collected all the evidence

²⁰ This will apply to just England & Wales

²¹ http://www.naturalengland.org.uk/about_us/news/2010/140610.aspx

required to prepare a formal public consultation on the proposed re-introduction. A report was prepared by the Food and Environment Research Agency which looked at all the circumstances where sea eagles may be in conflict, such as farming and land management. The decision was based on Natural England's future financial situation and the unsuitability of committing funds to a lengthy and expensive operation.

4.6 Legislation

- **Wildlife and Natural Environmental Bill, Northern Ireland**

As well as the agreed ban on hare coursing already discussed, Assembly Members will also be considering a Private Members Bill introduced by the Green Party aimed at banning fox hunting. Northern Ireland is the only part of the UK where hunting foxes with dogs remains legal. Amendments were tabled and debated in June as the Wildlife and Natural Environment Bill had its first reading. The Bill introduces jail sentences for persistent wildlife criminals as well as larger fines. Added investigation and enforcement powers have been given to the police to tackle wildlife crime. Public bodies will now have a new duty to 'conserve biodiversity' so that all work done by public bodies will need to take the effects on wildlife into account. New offences have been introduced for reckless damage or disturbance to protected birds, animals and their habitats, including those in Areas of Special Scientific Interest. The Bill is expected to go through its second reading in the autumn²².

- **Law Commission**

Defra have been preparing an application to the law commission for review of Wildlife and Countryside Act. The deadline for submissions was 15 October and the Commission will announce what it will include in the 11th programme of law reform, expected in 2011. See Law Commission site inviting submissions: <http://www.lawcom.org.uk/questionnaire/>

- **Badgers and TB**

Defra are consulting on a proposal to issue licences under the Protection of Badgers Act 1992 to enable farmers and landowners to cull badgers, at their own expense. Under existing arrangements farmers and landowners are already able to apply for licences to vaccinate badgers. Under the Government's new proposal, they will be able to use vaccination either on its own or in combination with culling. Licences would be subject to strict criteria to ensure that the badger control measures are carried out effectively, humanely, and with high regard to animal welfare.

- **Wildlife and Natural Environment Bill**

The Wildlife and Natural Environment (Scotland) Bill is currently at Stage 1 (evidential stage) of the bill process. The public consultation closed on 01/09/2010 and the Bill is now undergoing scrutiny by the Rural Affairs and Environment Committee. The Committee have been holding evidence sessions throughout September, to continue through October 2010. The last of these is likely to be on November 3rd where they will be taking evidence from the Minister for Environment. The Committee have shown a particular interest in wildlife crime issues including single witness evidence, extending the powers of the SSPCA, introducing a vicarious liability on land managers for wild bird offences and using the Misuse of Drugs Act to consider possession offences in the Wildlife and Countryside Act 1981.

- **Review of Wildlife Crime in Wales**

On the 1st September 2010 the final report on the 'Review into the Prevention and Investigation of Wildlife Crime in Wales' was presented to the Welsh Environment Minister Jane Davidson by Superintendent Tony Mathias on behalf of Ian Arundale, Chief Constable of Dyfed Powys Police who has responsibility for combating Wildlife Crime within Wales. This

²² <http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland-bans-hare-coursing-and-fox-hunting-could-be-next-14852888.html>

report contains 18 recommendations aimed at improving the approach to wildlife crime within Wales

- **Biodiversity Targets**

In response to the RSPB petition earlier this year the Welsh Assembly Government (WAG) Sustainability Committee are holding an inquiry into why the 2010 biodiversity target of 'Halting the Loss of Biodiversity' was missed, evidence is being presented by various bodies including CCW.

- **Natural Environmental Framework - Wales**

On the 15th September 2010, the Welsh Assembly Minister, Jane Davidson, launched the Natural Environmental Framework (NEF) in Wales, one area that this examines is the 'Refreshing of Institutional Arrangements', a proposal under this heading is the creation of a single environmental body within Wales which will see the Countryside Council for Wales, Forestry Commission and the Environment Agency amalgamated to make one single new environment body. In her speech when launching NEF, the minister stated, "We have now completed the initial assessment of options for change. I can report that the potential transformational benefits of creating a single new environment body appear significant. This is especially true where we can take a fresh and joined-up approach to the way we regulate and manage the environment. We now need to look in more detail at the costs we have identified in moving to a new single body in order to establish the quality of the case for investment. I hope to be in a position to reach a decision of next steps with this element of the proposals later this year."

- **COTES Review**

Work on the Enforcement and Ports of Entry and Exit reviews is progressing. An initial impact assessment on the ports of entry and exit review is currently with the chief economist's team and consideration is being given to the ways in which inspections of designated ports are carried out. Defra is currently considering the options for taking forward the 'essential' elements of the enforcement review but further progress is unlikely before January 2011 due to staff reorganisation.

4.7 Organisational

- **Animal Health and Veterinary Laboratories Agency Merger²³**

In June 2010, the Secretary of State for the Environment, Food and Rural Affairs, Caroline Spelman, announced that Animal Health and the Veterinary Laboratories Agency will merge to form a single executive agency. These agencies are the two principal Defra executive agencies which work to combat animal diseases. The merger, although no exact date is known, is expected to occur sometime in the summer of 2010 where a single chief executive will be appointed. This person will be tasked to fully integrate the two agencies by autumn 2010. In the meantime, both agencies will continue to be led by the same management. This merger is based on the efficiency savings the government are required to make and it is not yet known how this will affect both agencies until the full integration takes place. Animal Health have stated their willingness to continue to support forensic investigation in respect of police enquiries relating to schedule 4 birds and CITES.

- **Scottish Natural Heritage and Deer Commission for Scotland Merger²⁴**

The Deer Commission for Scotland (DCS) merged into Scottish Natural Heritage (SNH) on August 1 2010. SNH will become the Scottish Government's statutory advisor on deer, promoting the conservation, control, and sustainable management of deer in Scotland. Almost all former DCS staff will remain in post and will have the same contact phone numbers. SNH

²³ <http://ww2.defra.gov.uk/2010/06/29/wms-alb/>

²⁴ <http://www.snh.gov.uk/news-and-events/press-releases/press-release-details/?id=343>

has also created a transitional Deer Panel, which will advise, mentor and train the current SNH board, committees, management team and senior staff over the next three years.

- **Enforcement Working Group - Wales**

As part of the recent Review into the Prevention and Investigation of Wildlife Crime in Wales one of the recommendations is the formation of an Enforcement Working Group which will sit under the Welsh Biodiversity Steering Group, this enforcement group will be chaired by Chief Superintendent Gwyn Thomas from the Dyfed Powys Police, at the present time invitations are going out to seek suitable members for this group. This group will be initially charged, specifically, with ensuring interoperability through the production of a Welsh wildlife crime strategy, codes of practice and data sharing agreements, to progress the UK and Welsh wildlife crime priorities and to deliver an annual wildlife crime conference.

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Appendix One – Reported Incidents to the NWCU – Summer (Jun-Aug2010) ²⁵

Submitting Agency/Force	Badger Persecution	Bat Persecution	CITES Ivory	CITES Other	Finch Trapping	Fox Hunting	Freshwater Pearl Mussels	Habitat Destruction	Hare Coursing	Nest Destruction / Disturbance	Non Native Species	Poaching Deer	Poaching Fish	Poaching - Poaching - Other	Poisoning - Baits	Poisoning - Non Raptors	Poisoning - Raptors	Raptor Persecution	Shooting	Traps / Snares	Wild Bird Egg / Chick Theft	Total
Avon & Somerset	3	1						1		5	1				1				3	1		16
Badger Trust	3																					3
Bat Conservation Trust		25							1	2												25
Cambridgeshire		1																				4
Central Scotland	2									2		1	2							1		7
Cleveland														2								3
Cumbria	4								6	2		5	2	20				1	12			52
Derbyshire	1							1	4	4		2	6	5				1	1			21
Devon & Cornwall	3	3			1			1	12	12		2	2	2				1	13			38
Dorset								26		1		3	1	2								33
Dumfries & Galloway	1	2						3		1	1	6	2	2			1	1	3	3		26
Durham	1							5	1	4												6
Dyfed-Powys		3									1	1	1	1				1				13
Essex	1	2						1		3		1	2					1				12
Hife	2							2	4	3		3	1									17
Grampian	4	1		2				2	9	6		4	15	2		1		3	5	4		24
Gwent	2	2						2	8	3		2	2	1			1	2	5	4		58
Herefordshire	3	1						8		3		2	1					2	1			23
Hertfordshire									4	1		2	2									11
Humberside	1								20	3		9	2	31				2	3	1		72
Kent									4	3		13	3					1	1			24
Leicestershire	1	3						1	48	3		3	6					1	3			9
Lincolnshire	1	1						1		2		1	6							2		66
Lothian & Borders	2							1		2		1	6							2		17
Merseyside														4				2	1			27
Metropolitan										5		6	6	4			1	2	2	1		41
North Wales					3						1	11						14	4			27
Northamptonshire	1	1						4	6	6		1	1	4				1	1	3		22
Northern										2		1	2						2			17
Northumbria	1	2						1	1	1		1	7	3		1		1	2	1		19
Nottinghamshire	2									2		2	2	3				2	7	1		18
PSNI	3	2						1		2		1	1	1				1	1			9
RSPCA	51							1		12		1	3				8	3	2	11		51
Scottish Badgers	4																					4
South Wales	1	5		1	1			7		2								3	2			22
Staffordshire	3									1												4
Strathclyde	1	1								1		3	8			1		3	8	1		27
Suffolk	1								2			1							7	1		12
Surrey																		1				1
Tayside		1							9	3	3	1	4	2	1			2	3	4		39
Thames Valley									1													1
Wanwickshire		1							1										3			5
West Mercia	1									2		1	1							1		7
West Midlands								4														10
West Yorkshire	1	1							1			1	3	6					3			13
Total	104	60	1	8	4	17	7	69	118	97	8	51	113	91	6	11	9	32	118	34	4	962

²⁵ RSPB incidents have been submitted the NWCU but have not been analysed yet to issues with formatting, this has now been resolved and this data will appear in the strategic assessment.

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