

Bracken Management under the Higher Level Stewardship Agreement on Baildon Moor – Baildon Parish Council, 16 April 2012

I took a brief to the Environment and Regeneration Committee in February about the Higher Level Stewardship Agreement on Baildon Moor (appended below). I raised my concerns about the lack of consultation, and specifically about the proposals for ariel pesticide (herbicide) spraying in the Bracken Management Plan. David Sturge attended, and conveyed the Friends of Baildon Moor's (FoBM) concerns about the lack of consultation. The Committee tasked me to seek approval from the Parish Council to call a public meeting, attended by the Countryside Service of Bradford District Council, and at which there could be an open discussion about the implications of the HLS agreement on Baildon Moor.

I was unable to come to the last meeting. However, when contacting the Countryside Service about the proposed beacon on the Moor, Cllr. Flecknoe relayed concern about the bracken spraying. Danny Jackson replied that he would come out for a meeting with FoBM and Parish Councillors. He also said that spraying was almost certainly not going to be on the agenda as the proposed chemical was no longer available.

This is only partially correct.

The sale of Asulox was banned in the EU at the end of 2011, although those holding stocks can use it up to the end of 2012.

I have since heard that the Countryside Service stockpiled Asulox last year. These are the reasons why Asulox has been banned, taken from the Commission Implementing Regulation (EU) No 1045/2011 of 19 October 2011:

“It was not possible to perform a reliable consumer exposure assessment as data were missing concerning the presence and toxicity of the metabolite sulfanilamide, as well as concerning the presence of other potentially significant metabolites that were not analysed in the available residue trials and processing studies. Furthermore, no data was available on the toxicological relevance of the impurities in the technical specification of the active substance. In addition, a high risk to birds was identified”

Ariel spraying of any pesticide was banned in the EU in 2009. By way of derogation from that ban in Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009, aerial spraying may only be allowed in special cases provided certain conditions are met. These include:

- there must be no viable alternatives
- there must be specific risk management measures to ensure that there are no adverse effects on the health of bystanders
- the competent authorities shall specify the measures necessary for warning residents and bystanders in due time and to protect the environment in the vicinity of the area sprayed
- a professional user wishing to apply pesticides by aerial spraying shall submit a request for approval of an application plan to the competent authority accompanied by evidence to show that the conditions above are fulfilled

The Chemicals Regulation Directorate of the Health and Safety Executive is the competent authority. In the New Aerial Spraying Permitting Arrangements that come into force in Jun, the CRD will approve applications for aerial spraying providing conditions are met, such as:

- information is provided on the provisional time of spraying and the amounts and type of product to be used. Those applying for a permit must include these details. Information relating to timing must be as specific as possible based on knowledge at the time the Plan/request for permission is submitted
- the area to be sprayed is not in close proximity to residential areas.
- measures are included which make sure there are no adverse effects on the health of bystanders. The template Application Plans will include suggested measures including appropriate use of signs to warn members of the public of the areas to be treated; and
- necessary measures are identified for giving enough warning to residents and bystanders, and to protect the environment in the vicinity of the area to be sprayed. The template Application Plans will include possible measures including: spraying only in line with appropriate nature conservation consents; establishing and mitigating risks to water; and advising local authorities and, where appropriate, local beekeepers.

The Countryside Service have a provisionally booked a helicopter for spraying Asulox on Baildon Moor in August.

It is unknown whether they have applied for permission yet. Their response to safety concerns thus far is:

“We can put up signs and marshal on the day of spraying, but I think helicopter pilots are experienced at avoiding pedestrians”

This is about **competencies** as much as it is about a **lack of consultation**. I have little confidence in the experience of the Countryside Service, based on their track record over the years. Bracken management is not a simple or reliable process, and spraying from a helicopter is a disgusting practice especially in a public space. When was the Countryside Service going to inform the parish council about this, as would be required by the conditions of the Health and Safety Executive?

The spraying will not work. An observational study of vegetation recovery after Asulox was aerially sprayed at 117 sites in the UK found that it only worked effectively in a quarter of the test sites. There was considerable geographical variation in the sites successfully controlled. Effectiveness was probably related to factors influencing the growth of replacement vegetation. The evidence is that rolling and bruising are ineffective, and that spraying becomes less effective year on year. The reason is that long-term bracken control depends on depleting the rhizomes, and so annual cutting delivers a better result. It would appear that the Countryside Service are investing all in one ariel spraying, with little thought to future years when this option will not be available.

David Sturge of FOBM is attempting to arrange a meeting with the Countryside Service so that it can be confirmed, in the absence of any communication so far, that the intention is to aerial spray Baildon Moor. I doubt if the Countryside Service regard this issue as being negotiable at this stage. It must not be forgotten however that the Countryside Service exists to serve the public through Bradford Council. It is likely that the Executive and the portfolio holder in particular are unaware of the contentious nature of using a banned herbicide and with a delivery method that is also banned. I believe that with the approval of the parish council, that the Executive and the Environment portfolio holder be contacted with those concerns.

I seek a proposer in support of such a resolution, since unfortunately I will be working away from home at the time of the parish council meeting of the 16th April 2012.

If the parish council is not able to support that, then I will make the contact with those concerns on my own basis as the North Ward councillor covering the Moor.

Mark Fisher 3 April 2012

APPENDIX

Bracken Management under the Higher Level Stewardship Agreement on Baildon Moor - Appendix 24/1 revised, Environment and Regeneration Committee, Baildon Parish Council, 21 February 2012

The parish council previously discussed bracken management on Baildon Moor at its meeting in July 2009. I tabled a brief for that meeting that criticised the thinking and ineffective practice behind the management of the bracken, quoting example from national guidance. I proposed that a letter should be written to Bradford Council, asking them to stop their bracken control on Baildon Moor. This was approved by the parish council, and a letter and copy of the brief was sent to Environment portfolio holder of Bradford Council.

Danny Jackson, Countryside Service Manager, responded to the letter, and was invited to brief the parish council meeting in October 2009. He explained that the Countryside Service wanted popular support for their activity on the moor, and that that he was seeking Higher Level Stewardship (HLS) funding for the bracken management. Danny returned to the parish council in May 2010 to report on progress on the HLS agreement, but the detail had not been determined at that point. Danny again sought to enlist the support of the parish council in working out those details, and Cllr Paul Marfell

offered to be the parish council representative. In spite of subsequent requests by the parish council clerk, nothing further was heard from the Countryside Service on the progress of the HLS agreement. This is in clear breach of the guidance on consultation in "A Common Purpose: A guide to agreeing management on common land" (2005) issued by the statutory body Natural England, and of the guidance on consultation in "Finding common ground. Integrating local and national interests on commons: guidance for assessing the community value of common land" (2010) issued by the Open Spaces Society.

Last year, during correspondence about the fly tipping on the moor from the developments at the reservoirs, I was alerted to the completion of the HLS agreement. In the absence of any communication from the Countryside Service, I made Freedom of Information requests to Natural England and Bradford Council for copies of the HLS agreement, and any correspondence or documentation that they held about the agreement.

Higher Level Stewardship Agreement

Bradford Council is to receive significant funding for bracken management on Baildon Moor as a commitment under the 10-year HLS agreement.

HLS is agri-environment stewardship funding, financed by the EU with some UK match funding. It derives from the Common Agricultural Policy under the Rural Development Regulation, and is a funding stream that is in addition to the Single Payment Scheme, the main agricultural subsidy. The aim of the funding is to ensure that farmers apply agricultural production methods compatible with the protection and improvement of the environment. The funding is in the gift of Natural England, which operates at arm's length from Government as an Executive non-departmental public body under DEFRA.

As a condition of HLS to fund bracken management, there had to be a management option on the moor that included a grazing scheme. Thus of the £210,524 in the 10-year agreement, £99,840 is to be given to the registered commoners of the moor as well as to Bradford Council as payment for "Restoration of Moorland" on about 260ha of the moor. The choice of this option is usually driven by the priorities of the conservation industry for heath. You may be interested to know that less than a fifth of that area is actually heath, and less than a tenth is likely to be easily restored to heath.

Only one commoner at present exercises any of his right to graze the moor, through leaving a field gate open from his farm to the moor, and will continue to do so under the agreement. You may wonder why Bradford Council and the five non-grazing commoners are each to receive a total of £14,262 for not doing something that they are already not doing. (The payment is not being made under the option for seasonal exclusion of livestock.).

Bradford Council, as owner of the commons, is to receive £26,474 over 10 years as a bracken control supplement to the moorland restoration. This option is aimed at controlling the spread, or removing existing stands, of bracken on about 80ha of the moor with the intent of "maintaining or restoring biodiversity value or protecting archaeological sites". There are some exacting standards as Indicators of Success for this management:

- By year 7, cover of bracken on feature should be between 0% and 5%.
- There should be no more than 5% re-growth of fronds that were treated with herbicide in the previous year

The Capital Works Plan of £78,717 makes up most of the rest of the HLS total funding. Bradford Council is to receive £4,780 for specific bracken management under the Capital Works Plan, split between chemical and mechanical control, and delivering in 2011 and 2014. There is a sum of £6,500 in the Capital Works Plan for Historical & archaeological feature protection, the report from English Heritage indicating that spraying bracken will be a significant element of that protection. The balance of £67,437 of the Capital Works Plan is to be spent on the stone walls around the common, and on putting in 20 new field gates in these walls. The boundaries of commons are usually the responsibility of land owners backing on to a commons, but it seems farmers are to be treated differently under this agreement.

Bracken Management Plan

A condition of the HLS agreement is that the bracken control will be subject to a detailed management plan agreed by Natural England and English Heritage. In addition, the Environment Agency has to provide prior consent when bracken spraying is proposed in water catchment areas. Moreover, if the land to be treated by aerial spraying is adjacent to or within 250m of water then the Environment Agency must be consulted at least 72 hours in advance.

In addition to the information I obtained from Natural England, I also have paper copies of information held by Bradford Council. One of those documents is a Baildon Moor Bracken Management Plan draft V3. This plan indicates the highly likely recourse to the use of herbicide spraying from helicopters, quad bikes and knapsack sprayers. These are standard, conservation industry approaches that bring hazards as much as they also seem dissonant with nature conservation. The English Heritage advisor is quite emphatic in recommending spraying, which is somewhat ironic when I taught this person organic gardening.

The risks in this bracken management arise, amongst other things, because the Bracken Management Plan and the Farm Environment Plan (FEP) which accompanies the HLS agreement, are ignorant of the most important fern on the moor – adders tongue (*Ophioglossum vulgatum*). There are only 10 locations of this fern known in West Yorkshire. This is at risk from the gross use of herbicide that may take place.

There is also no mention in either of those documents of the roe deer on the moor. Peak times of activity for roe deer are at dawn and dusk. They make more use of open spaces during the hours of darkness in populations experiencing frequent disturbance. In general though, long periods are spent "lying up", which is where deer create scrapes in secluded places and lay down to ruminate between feeding. The bracken cover during summer to autumn on Baildon Moor gives them ample cover for this "lying up". It is highly likely that roe deer does also make use of the cover of bracken on the moor to safely shelter their young during mid to late summer. There is often a heavy mortality at and shortly after birth and during the first winter, and so refuge for roe young is very important.

In addition to these, there are many other errors and omissions that reduce confidence in this HLS agreement. Thus the FEP overstates the importance of open landscape fauna on the moor, it has no mention of a number of wild plants, a map reference in the Bracken Management Plan locates part of Baildon Moor just below Huddersfield, the area and spatial location of the HLS agreement shown on the Natural England website are significantly wrong. This all could have been avoided if there had been some collaboration with the wider knowledge available within the parish council and Baildon. This was particularly important as the HLS agreement now takes away the ability of local people to decide for themselves about Baildon Moor, and puts it in the hands of Natural England.

We cannot, however, allow the situation that occurred on Ilkley Moor, another publicly owned moor, to be repeated. I was at Natural England's launch event of "Vital Uplands - a 2060 Vision for England's uplands" in Ilkley in November 2009. As part of the launch event, we walked up to the moor behind the Cow and Calf. It was there while discussing uplands management that Bingley Estates, which has the shooting lease on the moor, revealed that it had already begun bracken spraying (and which is likely funded by the HLS agreement on Ilkley Moor). I asked Danny Jackson whether there were any conditions in the lease for the public to be forewarned when spraying was to occur. He obviously had not considered this. Since then, I have been very wary of helicopters flying over Ilkley Moor, and believe I was caught in spray on one occasion.

Mark Fisher, 20 February 2012