

## **Wildfowling on the Eden Estuary, North-East Fife from the inauguration of Eden Wildfowlers Association to the present time**

*A Summary of the events and processes leading up to the declaration of a Local Nature Reserve on the Eden Estuary, an appraisal of the threat posed by the LNR model utilised on that site, and a warning for wildfowlers and wildfowling clubs throughout Scotland.*

1. In recent weeks I have received comments from both the Countryside Ranger employed to oversee the Eden Estuary LNR and from a member of a BASC committee which indicate that there may now be considerable ignorance of the events and processes leading up to the present LNR regime on the Eden Estuary and of the indisputable threat that the management model presents to the future of wildfowling in Scotland. Given the protracted length of time that those processes have covered, the current state of ignorance is hardly a criticism of the staff of Fife Council, the Ranger Service or BASC.

2. As I held office in the Eden Wildfowlers Association for considerably longer than any other person and am probably the only currently practicing wildfowler who has an intimate knowledge of the history, I considered that it was perhaps a duty to provide a documentary account of the formation of the LNR and the reasons why the management model presents such a serious threat to the future of wildfowling in Scotland. (Note: Other Scottish LNRs, e.g JMCP and Wigtown Bay have adopted similar models. It may be difficult to reverse the threat in those instances but it is crucial that BASC and wildfowling clubs totally oppose any attempt to use the same model elsewhere.)

3. Purely as background, it should be recorded that the Eden Estuary is a smallish, sheltered estuary where the River Eden enters the North Sea. It has long been noted for its overwintering populations of wildfowl and waders. Puntgunning on the estuary was documented by John G Millais in his classic "A Wildfowler in Scotland". Also as background, it should be recorded that the current legal position in Scotland is that the Crown holds in trust, for the public, the right to resort to the inter-tidal land of the foreshore for recreational purposes, including wildfowling.

### **The Eden Wildfowlers Association**

4. The Eden Wildfowlers Association (EWA) was formed in 1967, largely due to the foresight of Bernard Barker who, at the time, was a non-commissioned officer in the Royal Air Force, stationed at Leuchars on the north shore of the estuary. Bernard was secretary of the club from 1967 to 1969, during which time the club formulated a proposal that the quality of wildfowling on the Eden Estuary could be safeguarded if sensible controls were put in place. After consultation with WAGBI (now BASC) and the Nature Conservancy (now absorbed by SNH), a proposal was put to Fife County Council by EWA to the effect that a Local Nature Reserve be created on the Eden Estuary under the provisions of the National Parks and Access to the Countryside Act 1949.

5. By the time that I moved to Fife and joined EWA in 1973, Bernard had ceased to be active in the club but, as an honorary member, he did retain an interest in the progress (or, at times, lack of progress) towards the declaration of the LNR. For the next 32 years I continuously held the offices of, variously, Chairman, Secretary or Treasurer of the club and, as such, had principal responsibility for the club's interface with statutory and voluntary bodies. As I was, at that time, employed at Directorate level within Fife County Council I was able to maintain contact with the County Clerk, Ian Noble, and other officials on both a formal and informal level. I also had contact with the three senior politicians in Fife County Council at the time (George Sharp, Alan McLure and Alex Devlin), all of whom represented parts of the Fife coalfield community from where many early members of EWA came. I was able to ensure, therefore, that there was political support for the LNR proposal. However, Bernard had good contacts within the Nature Conservancy Council (NCC) and he tended to maintain these, particularly with Nancy Gordon, Tony Collings and Eddie Idle. In my attempts to keep the LNR proposal live, I was certainly grateful for the support that Bernard continued to provide, and for the contacts he had forged.

6. In 1975 I moved from Fife County Council to take up a Chief Officer appointment with the new Central Regional Council. At the same time, responsibility for the Eden Estuary LNR proposal transferred from Fife County Council to the newly formed North-East Fife District Council. As well as causing a hiatus in the process, these events also led to many of my formal and informal contacts within the local authority being lost or weakened. Bernard Barker had also, by this time, moved away from Fife but maintained his many contacts with NCC and he continued to push for progress with the LNR.

7. In an attempt to "get the show back on the road" I sought support for our proposal from local conservation organisations in Fife. The most fruitful of these was from Commander Frank Spragge who was, at that time, secretary of the Fife Branch of the Scottish Wildlife Trust (SWT). Frank was wholly positive about the proposal and appeared to have no difficulty whatsoever in understanding the link between wildfowling and practical conservation. (It should be remembered that this was taking place at a time when there was still a very positive relationship between WAGBI and national conservation organisations, as documented in the publication "The Story of a Triumvirate" published jointly by WAGBI, the Nature Conservancy and the Wildfowl Trust in 1970.)

(7a. As an annotation, it is possibly worth highlighting at this stage the danger that can come from placing too much trust in individuals within organisations. Officials within voluntary and statutory organisations change regularly. The fact that an official at one time might be sympathetic to wildfowling does not guarantee that his/her successors in office will be similarly so.)

8. By the time that the Eden Estuary LNR was officially declared in September 1978, David Cant had taken up his post of Scottish Officer (later Scottish Director) within WAGBI/BASC. Although the introduction of byelaws and a wildfowling permit scheme was still some years in the future, David attended meetings with North-East Fife District Council on behalf of the EWA and, also, on behalf of the wider BASC membership.

9. In 1981/82 David alerted the club to the fact that there was pressure from some conservation interests to introduce a wildfowling permit scheme that limited the number of permits to be issued. He advised the club to undertake a survey of wildfowling usage to provide information to counter this proposal. This was done and, quarter of a century later, it is interesting to note that the survey identified that the average number of wildfowlers on the LNR for morning flight was 35 on Saturdays and 11 on weekdays. This was not felt to be excessive (on 10 linear miles of foreshore) and, as a result, the proposal to limit numbers was dropped. It is also interesting to note that the Permit Returns for 2006/07 indicate wildfowling usage averaging 1.7 visits per flight, a very substantial and worrying reduction.

10. Encouraged by that success, the EWA was happy to leave its further negotiations in BASC's hands.

### **Disaster Strikes**

11. When the Byelaws were finally published, it was Bernard Barker who alerted the EWA to the fact that they fell very far short of the club's expectations. Whereas the intention had been that the future of wildfowling would be enshrined and guaranteed within the byelaws, the published version gave no protection to the sport and, indeed, presented a massive political threat.

12. Briefly, the LNR byelaws, as they were published then and as they remain today, effectively ban many activities. They ban parking vehicles, they ban driving vehicles, they ban mooring boats, they ban lighting fires – **and they ban carrying any firearm, killing any living creature and shooting or attempting to shoot any bird of any description.**

13. Having banned all of those activities, a subsequent byelaw then states that the Council may issue permits for the doing of any of the activities that are banned by the preceding byelaws. There is no obligation placed upon the Council to issue any permits – it is a simple political decision that the elected councillors can take and review as pleases them.

14. Changes to the byelaws themselves can only be implemented after public consultation and approval (at that time) by the Secretary of State (now by the Scottish Government). Having the right to wildfowling enshrined within the byelaws would have given the sport some measure of security. In stark contrast, the way the byelaws are framed, no change to the byelaws is required to effectively terminate wildfowling on the LNR. All that is required is a purely political decision by elected councillors to issue no permits. (It should be noted that exactly the same format applies at the JMCP and Wigtown Bay LNRs.)

15. It was also noted that the byelaws give absolutely no powers to any advisory committees or management committees set up by the Council.

16. Having been alerted to this situation, an emergency committee meeting of EWA was held at my house, to which David Cant invited John Swift (the current Chief Executive of BASC). At that meeting a "battle plan" was drawn up which acknowledged that there was little chance of having the byelaws fundamentally

altered and that, given that wildfowling had become a hostage to political fortune, the club's efforts should be directed towards cultivating positive attitudes towards wildfowling amongst elected councillors, Council officials and leading players within the conservation movement.

### **A Wildfowling Heritage**

17. Facing this threat to the future of wildfowling on the Eden Estuary LNR, the EWA organised a two-day seminar and exhibition, entitled "A Wildfowling Heritage" which was held in the Corn Exchange, Cupar in November 1987. With valued assistance from BASC, I raised a considerable sum of money to finance this event. The first day was a seminar, arranged to "wine and dine" the leading local politicians, Council officials and senior representatives of the statutory and voluntary conservation organisations. Several speakers, including the late John Anderton, BASC's Director, made the case for the maintenance of strong links between wildfowling and conservation and, throughout, it was stressed that the Eden Estuary LNR had been established at the sole initiative of the Eden Wildfowlers Association.

18. On the second day the exhibition was open to the general public and received considerable publicity in the local and national press and on television. The exhibition centred upon a very large scale model of the Eden Estuary, painstakingly built by Bernard Barker. Stands and exhibits, constructed and manned by EWA members, focussed on wildfowling, conservation, gundogs, club activities, etc., while other exhibits were provided by NCC and a local taxidermist.

19. The event was undoubtedly a success and did much to highlight the role played by wildfowlers in the establishment of the LNR. The club subsequently was awarded the Stanley Duncan Conservation Trophy by BASC for staging the event and I was invited to give a presentation at BASC's national Wildfowling Conference the following year, highlighting the dangers of the LNR byelaws introduced on the Eden and describing the exhibition that had been organised to generate positive public and political opinion to help ameliorate those dangers.

### **Subsequent Developments**

20. Once an Advisory Group and a Wildfowling Sub-Group had been set up to advise the Council on matters relating to the LNR, one place was taken by BASC's Scottish office and two places were allocated to EWA. The club asked Bernard Barker to fill one of their places and decided that the second place should be filled by a member who lived local to the estuary. Initially David Bone occupied that seat, later to be replaced by Spence Waddell. For a number of years the club was unaware of any particular problems arising in relation to the implementation of the byelaws or the operation of the wildfowling permit scheme. The club participated in estuary events such as litter clean-ups and promoted wildfowling on the LNR at country fairs in Craigtoun Country Park.

21. In 1996 the club received a second "wake-up call". The declaration of the LNR in 1978 and the publication of the byelaws in 1987 had been made under the auspices of North-East Fife District Council. That local authority was dominated by Lib-Dem and Conservative councillors from an essentially rural area and it was elected members

and officials of that Council who had benefited from the “A Wildfowling Heritage” event. Local government reorganisation in 1996 resulted in responsibility for the management of the Eden Estuary passing to the single-tier Fife Council which was, at that time, dominated by Labour councillors from the industrial central and west areas of the county. It was clear that political support for wildfowling on the LNR might be less secure as a result.

22. Over this period membership of the EWA declined from around 60 to around 35 members and there was no longer the membership numbers nor the enthusiasm to maintain many of the activities that had been started and flourished between 1975 and 1990. Whether this decline was a result of members seeming to get no benefits (compared to the general public) in terms of wildfowling on the LNR or whether it was, at least in part, indicative of a wider decline in wildfowling club membership is a moot point.

23. However, the confidence of remaining members in the management of the LNR took a considerable blow when a ban on the use of lead shot was introduced on the LNR several years in advance of the statutory ban in Scotland. The decline in the club accelerated. When Bernard Barker, who had in many ways been the “architect” of the LNR, resigned his honorary club membership, I replaced him in one of the club’s seats on the Advisory Group and Bernard became a co-opted member of the Group. Despite this, the decline of interest in wildfowling within EWA appeared to be terminal, with only five club members going wildfowling on the estuary, even once, during the 2006-07 season.

24. A further blow to the credibility of the LNR in the eyes of wildfowlers took place at the commencement of the 2008-09 season when it was revealed that an important wildfowling access to the LNR, which had been organised by EWA in 1968 and ceded to the District Council in 1988, was closed.

25. In 2006, after years of trying in vain to revive interest, I finally gave up on the declining EWA and joined a neighbouring club. Unfortunately, I discovered that the malaise that affected EWA was not restricted to the Eden. With two or three possible exceptions, wildfowling clubs in Scotland appear to have low levels of member activity. In fact, several appear to have ceased to exist. Like EWA, it seems common for only a minority of club members to be active, dedicated wildfowlers.

26. There are two serious issues arising from this situation. Firstly, in the event that a tangible threat to wildfowling emerges, are there clubs with the resources, membership and commitment to adequately fight those threats?

(26a. I place this paragraph in parenthesis because it is based on hearsay rather than documented fact. I believe that in 2007 there was a campaign aimed at members of Fife Council by a fringe conservation body using emotive terms to demand an end to the Council “allowing licensed gunmen” to “massacre wildlife” on a nature reserve within sight of a “cycle track used by children” – or words to that effect. My understanding is that only the loss of the Council by Labour to the SNP that year caused the campaign to be marginalised. But it is clearly the type of threat that may have to be faced in future.)

27. It is in recognition of the factors outlined in paragraphs 23-26 above that the East of Scotland Association for Wildfowling and Conservation has been formed and has affiliated to BASC. It is hoped that, by covering a wider geographic area than traditional wildfowling clubs, this club will be able to attract a large enough membership of enthusiastic, dedicated, committed wildfowlers to be a viable force in the promotion and protection of wildfowling.

28. The second issue relates to the LNR model adopted on the Eden Estuary and also at JMCP and Wigtown Bay. As EWA discovered in 1987, this model is exceedingly dangerous in that it allows wildfowling to be terminated on a political whim at a local level. It is crucial that BASC opposes the replication of this model in other parts of Scotland.

29. Having written the above, it is clearly easy to be wise with the benefit of hindsight. I have no doubt that the formation of the EWA, the planning of the LNR and the subsequent events leading up to the declaration of the reserve were all done for the best of reasons and with the best of intentions. Decisions were doubtlessly taken on the basis of the best information available at the time. The purpose of this paper is certainly not to seek recriminations for what has occurred in the past but, rather, to stimulate an understanding of the past with a view to allowing it to inform the future.

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