



Scottish
Environment

LINK

LINK Deer Task Force Response Proposals for new Deer Legislation in the proposed Natural Heritage Bill

Deer Commission for Scotland (DCS) have been asked to provide details to the Minister on their recommendations for legislative changes, which could be included in a possible Natural Heritage Bill in 2010. We welcome the Minister's interest in the subject and support reform of deer legislation in 2010.

For LINK, the imperative is creating the circumstances in which sustainable deer management can take place. The Scottish Government have recently issued their new five year strategy "Scotland's Wild Deer: A National Approach", which places sustainable deer management at the heart of their work. We do not consider that sustainable deer management can be delivered efficiently within the constraints of the current "Deer (Scotland) Act 1996. **We believe that deer management must be publicly accountable, as well as sustainable.**

In our view, whilst native deer species are an iconic part of Scotland's natural heritage in themselves, wild deer are a natural resource, and should be managed alongside and in tandem with other natural resources of public interest. The recent Scottish Government Strategy for Wild Deer commits DCS (or its merged DCS/SNH successor) to helping to deliver Scottish Government priorities, including adaptation to climate change; protection and enhancement of SSSIs/Natura 2000 sites; as well as the conservation of key biodiversity in the wider countryside outside designated sites. Delivery of such action in the public interest is not well served by the limited approach of the Deer (Scotland) Act 1996.

Whilst we welcome DCS's broad proposals for legislative change to help improve sustainable deer management, and are pleased to support some good ideas, we feel that these recommendations to the Scottish Government could be strengthened in a number of key areas.

- The Deer Management Planning system is a key area for reform if the public as well as the private interest in deer management is to be delivered effectively. At present, the voluntary system of deer management planning is not working in many places, whilst accepting that private deer managers are being asked to deliver public benefits that were not envisaged even at the time of the last Deer Act. DCS are proposing a basis of voluntary management planning, with mechanisms to compel landowners to participate where the voluntary approach was failing to deliver the public interest. There would be a code to define the public interest, which should be recognised in the content of the final deer management plan. Instead, LINK proposes a more formal structure, which sits alongside (and is integrated with) other land

use planning structures that deliver public benefits such as forestry, water management, and agriculture. This approach would also reflect the wider Scottish Government aspiration of a single land use strategy for Scotland; joint agency working; and the delivery of other public support for land management through Rural Development Contracts. At the very least we suggest that the merged Scottish Natural Heritage/DCS agency should be tasked with the production of a statutory Deer Management Plan, developed with the help of a voluntary advisory body from the local area, and tasked with incorporating both private and public interests. The public interest would be guided by a nationally agreed code. This approach would, we feel, be more publically accountable, more integrated with RDCs and wider Scottish Government land use objectives, and would then allow public incentives to be deployed to support deer management in the public interest.

- We support reform of sections 7 and 8 of the current Deer (Scotland) Act 1996. The system of public intervention set out in this approach to take remedial action to resolve deer impacts on SSSIs/Natura 2000 sites is too slow and cumbersome. However, we do acknowledge that joint working between the agencies and revised damage assessment procedures for adverse natural heritage impacts of deer have helped make an inadequate system more workable in practice. We propose alignment of the wording of these sections with relevant parts of the Nature Conservation (Scotland) Act 2004 and Water Environment Services Act 2003, in order to allow quick deer management action to be taken in the public interest, based on likely impacts to the natural heritage (determined by the statutory body - SNH).
- We support DCS's proposal to remove the close season for male deer. This approach would help facilitate the deployment of stalking resources to manage deer over a longer period of the year.
- We support the proposal by DCS to introduce a competence register for all land managers who wish to control deer. We also support the principle of putting the onus on those who are on the competence register to complete statutory deer cull returns to DCS/SNH. In this way, DCS/SNH can more accurately monitor the number of deer culled to inform sustainable deer management. We consider that those practitioners, who support best practice, should have nothing to fear from such proposals.
- We believe that all deer managers who have been assessed to be competent to manage deer, and are on the competence register, should have undergone some basic ecological training. This will help deliver sustainable deer management in practice. Whilst we accept that this may not be a matter for formal testing as part of the competence register procedures, it should be incorporated as part of the wider training package.

**LINK Deer Task Force
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