

LINK Deer Task Force

Context and Policy Statement on Deer Management in Scotland

Context

The LINK Deer Task Force comprises of RSPB Scotland, John Muir Trust, National Trust for Scotland and Scottish Wildlife Trust. We meet reactively to deal with deer –related policy issues as they arise given our combined interests in this subject as landowning organisations in Scotland. We made a significant contribution to the recent reforms to deer management policy, now contained in the Wildlife and Natural Environment Act 2011. Since the former Deer Commission for Scotland merger with Scottish Natural Heritage, deer management has become an integral part of the SNH wildlife management programme, and we therefore cover deer issues amongst the wider raft of species management issues. We attend the SNH-chaired Deer Management Round Table (DMRT).

Scotland has two native deer species, namely the red and roe deer. We recognise that these species of deer are an important part of our natural heritage, not only in themselves as iconic mammals, but also because of the important role they play in browsing and habitat management. However, in the absence of natural predators, such as the grey wolf and European lynx, deer populations often require sustainable management through culling. In 2011 Scottish Natural Heritage estimated the Scottish deer population to be around 783,000 (400,000 Red, 350,000 Roe, 25,000 Sika [and 8,000 Fallow¹]. In some places, deer cause significant damage to important habitats, including native woodlands and peatlands, as well as causing road safety and other concerns. There is now a growing body of scientific evidence from England to also support the case that excessive deer browsing in native woodlands (particularly where muntjac are present), can reduce tree and shrub diversity, with impacts on the populations of some declining bird species (eg. willow tit, wood warbler).

Deer grazing has important ecological impacts in some areas by maintaining open sward in both woodland and open habitats. With the reduction of domestic livestock in response to changing agricultural economics and animal welfare legislation, deer provide the only form of grazing over large parts of Scotland. In such cases, where grazing is required for habitat management, deer may prove more cost effective than reintroducing domestic livestock. The importance of this service is likely to increase in the future.

LINK Deer Policies

Scotland has other deer species, which are non-native and introduced by man, including the fallow deer and sika deer. The sika deer is of particular concern as it can hybridise extensively with native red deer. We support active management to reduce the incidence of hybridisation. We also support the premise of “red deer refugia”, created to protect native red deer stock from hybridisation. We support preventative action by SNH to prevent the non- native Muntjac deer from colonising Scotland from England (where it is now well established). It is an offence to release non native deer species in Scotland.

¹ From FES consultation

The main principle behind deer management is one of “sustainable management”. This is encapsulated in the main Scottish Government policy document “Scotland’s Wild Deer; a National Approach” . This document is supported by the Scottish Government and its agencies, including SNH and Forestry Commission Scotland. This document recognises both the public interest in deer management, as well as the private sporting context. LINK had significant input into this document through stakeholder engagement. Effective implementation of these policies is now the key issue for us.

Scotland has a voluntary approach to deer management in contrast to most other European countries². Deer management is largely coordinated through the voluntary Deer Management Groups (DMGs), and their umbrella body, the Association of Deer Management Groups (ADMG). The DMGs and ADMG are largely dominated by the interests of private sporting estates and can be a very frustrating experience for our staff on the ground. Despite numerous attempts and much discussion they have continued to fail to take account of different objectives, take account of the public interest, or successfully resolve conflict. Despite this DMGs are increasingly being asked to take on wider roles by Scottish Government, which due to their voluntary nature, they find difficult, , to fulfil. The other significant player is FCS, which takes about 30% of the annual Scottish deer cull to prevent damage to trees on the National Forest Estate.

During the Wildlife and Natural Environment Bill process in 2011, LINK argued strongly for a statutory system of deer management, with cull levels set by SNH, together with mandatory cull returns to inform adaptive management. This proposal was ultimately rejected by Scottish Government on the basis that it might result in ECHR infringements. LINK took independent legal advice, and as a result, we believe that a system of statutory deer management could have been constructed to ensure ECHR compliance and recognise private sporting rights. LINK continue to push for a statutory system of deer management believing this is the only enforceable, transparent and fair way to ensure delivery of sustainable deer management of this important national resource. One model , is that of licensing, such as that proposed by the Scottish Forest Policy Research Group: <http://www.forestpolicygroup.org/Submission%20to%20LRRG%20-%20A%20licensing%20system%20for%20deer%20management.pdf>.

The Wildlife and Natural Environment Act 2011 made provision for the creation of a voluntary Code of Sustainable Deer Management. This had significant stakeholder engagement including from LINK. The Code sets out what is a legal requirement in terms of deer management, and what is considered best practice. The Code only applies to public bodies who simply must take it into account. To date there has been no review of adherence to the Code and we will be pressing for this to happen. Non compliance with the Code can be used by SNH to support remedial actions through their statutory powers of intervention if required. If the Code does not deliver the required outcomes, we will press for a stronger statutory approach as above.

LINK supports Scottish Government action to reduce deer numbers where high levels of deer browsing are causing damage to the condition of features of designated sites (SSSIs and Natura 2000). To help meet Scottish Government targets for improving the features of designated sites, where deer management is an issue, there has been a joint working process between Scottish

² Putman, R.J. (2011) A review of the legal and administrative systems governing management of large herbivores in Europe. In: Ungulate Management in Europe: Problems and Practices (eds. R.J. Putman, M. Apollonio and R. Andersen), Cambridge University Press, 54-79.

Government and its agencies. Powers for Scottish Government to intervene and take action to reduce deer numbers on private land were given in sections 7 and 8 of the Deer (Scotland) Act 1996. SNH has only used powers under section 7 to work with affected landowners through voluntary management agreements, and has avoided using compulsory powers of entry and cost recovery under section 8. Large areas of upland Scotland are now covered by section 7 agreements including eNGO landholdings. Yet to date, there is minimal evidence of delivery of improved condition. All of these areas are currently classed as being 'unfavourable recovering' due to being in 'assured management', yet few have yet physically improved the habitats on the ground. In answer to PQs submitted on behalf of a Link member organisation the Minister confirmed on 28th January 2013: "Of the 957 SSSIs which could potentially suffer impacts by herbivores, 248 have been assessed as being in unfavourable condition due, wholly or partially, to the impact of herbivores." most of which are deer.

The Wildlife and Natural Environment Act 2011 has increased SNH's powers to take action and reduced the opportunities for private landowners to prevaricate (e.g. over evidence of deer damage). Recently, SNH have identified that more action needs to be taken in relation to deer reduction measures on peatlands, moorlands and native woodlands if they are to meet their designated site favourable condition target. Although this target has now slipped from 90% by 2010 to 87% by 2016 (I think?) LINK continues to press SNH to keep going with this important work and presses Scottish Government to make relevant funds available to SNH to undertake their legal duties.

Partly to aid the assimilation of DCS into SNH, SNH have established a wildlife management programme. Deer management forms part of that programme. We maintain a watching brief to ensure that an evidence based approach is taken towards wildlife management issues and that it addresses key conservation issues, and the needs of the Scottish Biodiversity Strategy and so forth.

Further ancillary issues relating to deer management and of concern to LINK include;

Reduction of excessive deer trampling on peatland areas to protect the peatland resource and prevent climate change impacts from erosion arising.

Preventing the use of deer fencing in sensitive areas to protect woodland establishment, and removal of redundant deer fencing, for the improved conservation of woodland grouse (capercaillie and black grouse). There are also landscape and access issues relating to deer fencing in certain areas. This issue is largely governed by an FCS guidance note on public funding for deer fencing. The public purse currently spend £5M a year on deer fencing and FES is responsible for maintaining 2,500km. Use of non lead alternative ammunition for deer stalking. Most eNGOs have stopped using lead bullets for deer stalking, and 7 out of 9 FCS Districts have switched to using copper or other non lead alternatives. This approach is designed to prevent lead poisoning of wildlife and due to food safety concerns in venison production.

Creation of hill tracks for stalking amongst other land use purposes. Recent LINK advocacy supported removal of landowner planning rights for hill track developments out of landscape, peatland damage and other concerns.

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