

Peter Russell
Head of Rural Directorate
Scottish Government
Pentland House
47 Robb's Loan
Edinburgh
EH14 1TY

05 September 2008

Dear Peter

Scottish Natural Heritage/ Deer Commission for Scotland Merger

We are writing to you to express our disappointment at the decision not to appoint a member of the non-Governmental Scottish environmental sector as one of the external appointees to the DCS/SNH Merger Programme Board. Whilst we fully understand that places for external interests were very limited, and that it was important to have representation from the private deer management sector, we do feel that there could have been an attempt to engage other stakeholders involved with deer management issues at this level. This approach may reinforce the opinion in some quarters that the public interest in deer management issues is often ignored.

Whilst we know that this decision has now been taken, we should reassure you that we will work with the system that has been given to us for input into this process. We have been in contact with Robert Balfour of ADMG and understand that he will represent our points through the proposed Reference Group. In discussion with Robert, it was understood that we are still free to make direct representation to the Programme Board and this is what we felt to be necessary in this case.

From our discussions following the publication of the minutes of the first Programme Board meeting on 12 August, a couple of questions have emerged, which we would be grateful if you could answer;

1. We support the introduction of new deer legislation to replace the Deer (Scotland) Act 1996. Although this legislation is only 12 years old, we believe that this legislation is seriously out of step with today's requirements for implementing the Nature Conservation (Scotland) Act 2004, as well as the Scottish Rural Development Plan and other priorities of the Scottish Government. It is unclear from reading the minutes of the Programme Board (Paragraph 2 Simplifying the Landscape; last sentence and Paragraph 3 draft Programme Brief; bullet point 3) as to whether reform of the Deer Act will be part of new legislation in 2010. Please could this be clarified, as these sentences appear to contradict each other?

2. The proposed new Scottish Government Strategy for Wild Deer gave a clear impression that new deer legislation would be required in order to implement its intentions. Given that there appears to be a slot in the Parliamentary timetable for new deer legislation in 2010, we feel that wider consideration of legislative reform of the Deer (Scotland) Act 1996, beyond enabling legislation for the proposed DCS/SNH merger, should be given serious consideration. If there is to be no reform of the Deer (Scotland) Act 1996, please can you clarify whether the objectives of the draft Scottish Government Strategy for Wild Deer are therefore still deliverable?

3. Please could members of the Reference Group be provided with the Terms of Reference for the Programme Board? This would be very helpful and inform the context within which we will be working with Robert Balfour

4. We are unclear from the Minutes of the Programme Board as to how current DCS functions will be merged and retained in the SNH structure. Some greater clarification of this structure would be helpful for wider stakeholders. We have serious concerns that much DCS management time is going to be put into delivering this merger, when previous reassurances have been given that the current DCS work programme would remain unaffected. This is a critical matter, if for example, we are to meet Scottish Government targets for the favourable condition of protected areas by 2010, as well as the delivery of the sustainable deer management work programme (which is already delayed).

Thank you in advance for any help you can offer with these enquiries and we look forward to hearing from you in due course.

Yours sincerely

Duncan Orr-Ewing
Convener, LINK Deer Task Force

Cc Robert Balfour, ADMG: