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Dear Michael

Proposals for New Deer Legislation

Further to previous correspondence on this issue, we welcome your positive engagement on the matter of possible reform of the Deer (Scotland) Act 1996 and opportunities that might be afforded in that direction as part of a Natural Heritage Bill in 2010. We also welcome the encouragement you have given Deer Commission for Scotland (DCS) to come forward with early proposals, and the opportunities we have had to meet with DCS to discuss these.

We believe that the current system of voluntary deer management is not effective in delivering the public interest. We hope that any reforms to deer legislation can deliver both a more sustainable and more accountable deer management system. The recent "Scotland's Wild Deer: a National Approach" issued by your Government has been welcomed by LINK. We feel strongly that if we are to meet its ambitions for delivering a truly sustainable deer management, including helping climate change adaptation in the uplands; woodland expansion targets; improvement of the condition of features of designated sites; and measures to improve priority habitats and species off designated sites; radical improvement to the current deer management planning system is needed.

We understand that the broad focus of the proposals that DCS are likely to put forward will still be based on a voluntary deer management planning system - albeit supported by a 'code' (including a definition of the public interest) and in certain circumstances means to compel landowners to participate. While such a code and any measures of compulsion are a welcome step forward, we believe that this approach could be strengthened even further, to improve its effectiveness. In this regard, we note both the wider Scottish Government aspiration for a more integrated land use planning approach for natural resources, which deliver public benefits (such as forestry and water management). We believe that early and lead input from the merged Scottish Natural Heritage/DCS agency into any future deer management planning system will be essential to delivering desired public outcomes, and thereby also allowing the deployment of targeted incentives (such as SRDP). In these circumstances, we advocate a statutory deer management planning system, as is normal in other areas of natural resource management.

We would also like to see improvements to section 7 and 8 of the Deer (Scotland) Act 1996. The present arrangements for taking action on the ground to deliver the favourable condition of the features of SSSIs in relation to deer damage, have proved somewhat cumbersome and overly bureaucratic. We advocate a more streamlined approach, and alignment of the damage assessment criteria with the wording in the Nature Conservation (Scotland) Act 2004. If public incentives are to be used, as we feel they should, to promote sustainable deer management in the public interest, then section 9 of the Deer (Scotland) Act 1996 may also need to be reviewed.

Thank you also for the offer to meet with Steven Macgregor from the Scottish Government Bill Planning Team. We have made contact with Steven and will be taking up this offer in the New Year. In the meanwhile, I hope that these thoughts are of assistance to you in your deliberations about new legislation for deer management.

Yours sincerely

Duncan Orr-Ewing
Convener, LINK Deer Task Force