



Wildlife Management and Muirburn (Scotland) Bill Consultation response, May 2023

Introduction to Scottish Environment LINK

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 40 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organizations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for the environment. Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

LINK works mainly through groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits. This consultation response was written by LINK's Wildlife Crime Group.

1. Response

Q1. Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)?

Yes, Glue traps are cruel, inhumane and indiscriminate and may also attract predators, including domestic animals, to the stricken animals which themselves could become caught up in the glue, some of which could be protected species. This is an ideal opportunity to banish these entirely from use in Scotland. With glue traps currently being readily available on public sale there is no training on where and when to place these nor how to minimise 'by catches'.

Q2. Do you agree there is a need for additional regulation of the use of certain wildlife traps?

This is the appropriate moment that the Scottish Government should adopt the [International consensus principles for ethical wildlife control](#) for all wildlife management.

We do not believe in the mass killing of animals and birds to enable the grouse shooting industry to be able to shoot more grouse. The denuding of Scotland's environment through the legal and illegal trapping and killing impoverishes Scotland's biodiversity.

The use of traps to live catch birds above certain altitudes should cease as we believe they can be deliberately placed to catch young raptors. We also believe that the use of traps should only be allowed during the earlier part of the season and not left out throughout the year.

All traps should carry a unique identifier to enable specific traps to be linked to a specific keeper beat and to the individual keeper to enable accountability.

We would like to see specific returns of the number and species of animals and birds caught, killed or released from each individual who operate traps and should become a condition of their licence. Currently, we have no understanding of how many animals and birds are being caught either as a pest species or as accidental 'by-catch'. These returns would help build up a picture of the range and number of each species and in particular rare species such as wildcat and badger. Perhaps trapping has restricted the range of some species or equally an increase in numbers caught may suggest range expansion for others.



We would like to see the standardisation of all forms of traps and other devices, as this would simplify the process of oversight, accreditation training and licencing.

Snaring is an archaic method and should be banned. The United Kingdom is one of the only countries in Europe which permits the use of snares. It is morally repugnant that snares should be used to kill animals and birds simply so a few individuals can kill more game birds for fun.

Q3. Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)?

LINK strongly supports these proposals.

Whilst monitoring thousands of traps across many land holdings would be nigh on impossible unannounced spot checks on fewer more problematic estates would be easier to achieve. This would send out a strong message.

Training schemes should be led by NatureScot and the frequency reduced to every five years rather than the proposed ten.

LINK would like to see shooting estates reporting the total number of quarry birds shot every year to provide greater transparency. It would also help inform the health of their population.

Q4. Do you agree there is a need for additional regulation of land to be used to shoot red grouse?

LINK agrees there is a need for greater regulation of land to be used to shoot red grouse.

Despite the industry having decades to cease raptor persecution and to begin operating in a more environmentally and animal welfare friendly manner they have consciously chosen not to do so, therefore a licencing scheme has now become necessary. The industry's own voluntary Muirburn Code has been ineffective with some grouse moor practitioners being found in breach and met with little, if any, consequences.

Little is known about the usage of medicated grit, the dosages and volumes being left out in the countryside. More transparency is required and SEPA's expertise may be required to better understand the impact this may be having downstream. How does the prescription of such medicated grit work and what checks and balances are in place to ensure the correct dosage is being applied? Is medicated grit being withdrawn in time before the shooting season and are grit trays in place to prevent further contamination from grouse faeces?

Wildlife crimes often take place in remote areas with ample opportunity for the culprits to hide their crimes and securing a successful criminal conviction is always going to be difficult so it is good news that any future decision to withdraw the licence to shoot will be based on the civil burden of proof.

The withdrawal of general licences from some land holdings is now a tried and trusted process and we have confidence in this process and that any decision reached is achieved through a multi-agency approach which helps ensure a transparent and fair process.

Q5. Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)?

LINK strongly support the proposed licensing system.

We believe the cost of a licencing scheme should be recouped through charging for licences, like SEPA. It is inequitable that the cost of administering such a scheme for the benefit of very few should fall on the public purse, especially when so much environmental destruction is wrought on the environment to the detriment of the wider public. We have concerns that if no cost is levied this may hinder NatureScot's effectiveness to

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oversee such a scheme and in particular its ability to undertake proactive visits. If the new licensing scheme is seen as being ineffectual, then it will be seen as being no deterrent at all.

We would like to see a named individual as the licence holder or a specific job role who would be held accountable for any breaches and this could include the owner, sporting agent, factor, head keeper, tenant or the individual that has permission from the owner for any syndicate shooting. Owners of some land holdings are shown as trustees or companies, some overseas, so locating the appropriate individual could be challenging. Vicarious liability was introduced to hold owners of estates to account where a criminal charge had been successful brought against an employee. One of the reasons why so few prosecutions have been brought has been the inability to identify the true owner of the land holdings, the new scheme should not have the same failing replicated as we see in the Vicarious Liability legislation.

We have concerns that should a land holding lose its licence to shoot red grouse they cannot easily switch to other quarry species such as red legged partridge. The wording should account for this eventually.

The Muirburn Code should be beefed up to be part of the compliance regime as voluntary codes rarely carry the same weight and can easily be ignored with few if any consequences. The wording should no longer be couched in terms of a voluntary scheme but as part of a compliance regime.

NatureScot should be granted the powers as the licensing authority to enter land without consent, otherwise they cannot undertake spot checks to ensure compliance or for any other reason.

The construction of hilltracks - often of poor quality and causing landscape and environmental damage - is often associated with intensive grouse moor management, and this practice has in recent years come under increasing public scrutiny.

Q6. Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)?

LINK strongly agrees that the SSPCA should be given additional powers to investigate wildlife crimes. The SSPCA have a long history of working with the police and other agencies and would bring additional professional personnel with specialist training and equipment and are experienced both in investigation and in reporting wildlife crime offences which goes largely undetected.

Q7. Do you agree there is a need for additional regulation for muirburn?

LINK strongly agrees that there is a need for additional regulation for muirburn for several reasons:

The existing regulatory framework is no longer fit for purpose. The Hill Farming Act 1946 was created to improve productivity of the land, fast forward to 2023 where we are facing a nature and climate crisis.

The existing muirburn regulations are voluntary and too easily ignored with very few consequences for breaching the code and they are not policed. Some muirburn is deliberately used as a tool to burn through heather banks where harriers have previously nested or used to destroy golden eagle eyries or cause enough disturbance, so they abandoned any breeding attempt that year.

Muirburning on peat has longer term impacts on the water table which damages its ability to function efficiently causing it to dry out and subsequently suffer carbon loss. There are opposing scientific views on its merits however the weight of scientific opinion views burning as detrimental. Peatlands are a form of wetland and do not need to be burned to be healthy. Muirburn can cause wildfires even when the code is adhered to.



Q8. Do you agree with the proposed licensing system for Muirburn (sections 9-19)?

LINK strongly supports the proposed licensing system for Muirburn. LINK supports a deep peatland definition of 30cm. Monitoring and compliance costs should be recouped through licencing fees.

The new Muirburn Code needs to be clear and explicit as to what is required of the practitioner and therefore what actions would constitute a breach leading to investigation by NatureScot.

Burning and grazing on peatland or peaty soils should be prohibited for whatever reason.

Currently the closure to the muirburn season can be as late as the end of April and we believe that this could destroy nests of early nesting birds, including red grouse. LINK would like to see the latest date for Muirburn being taken back earlier perhaps to mid to late March. Golden eagles are often nesting by mid to late March. The specific purposes for muirburn should be made clearer and be more consistent bearing in mind that the muirburn covers a variety of landholdings including crofts.

Large amounts of public money have been invested in peatland restoration to help deliver Net Zero targets and these measures should not be put at risk through weak or ineffectual muirburning regulations.

There has been a suggestion that burning should be undertaken to provide breaks amongst vegetation to reduce 'fire load' however there is a lack of field studies to back this up. We are opposed and see this as a back door to circumvent the legislation. Cutting or rewetting are alternative methods to prevent or limit fire. Grouse moors with their uniform and extensive heather banks complete with drained soils actually contribute to the fire risk, and it would be better for these moors to have a variety of vegetation with wet flushes and damp patches which would do much to minimise or reduce the risk of fire.

NatureScot's Scientific Advisory Committee should have an involvement in signing off the licensing scheme.

This response was compiled on behalf of LINK Governance Group and is supported by:

Scottish Badgers

Whale and Dolphin Conservation

Amphibian and Reptile Conservation

RSPB Scotland

Scottish Wild Land Group

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Scottish Environment LINK the voice for Scotland's environment

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