

Managing Deer for Climate and Nature

Consultation Response

March 2024

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 organisations, 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.

Theme 1: Enhancing the Natural Environment

Do you agree that NatureScot should be able to intervene, through DMNROs, to ensure that action is taken to manage deer, where deer management has been identified as a key part of nature restoration?

✓ Yes

Do you agree with our proposed criteria for a DMNRO that:

- **They can only be ordered where there is social, economic or environmental benefits to be achieved through nature restoration, and**
- **additional deer management is a key factor or one of the key factors in securing that benefit?**

✓ Yes

Please provide reasons for your answer here:

We agree with the underlying objectives of DMNROs as explained in page 9 of this document, and with the detail set out in page 10.



We support a landscape scale approach to sustainable deer management which may not reflect current DMG and administrative boundaries. DMNROs will need to be applied at large scale to ensure that the intentions are not impeded by deer incursions beyond the operational boundary.

Clarification is required as to the relationship between DMNROs and existing section 7 agreements, many of which have been running for a long time and have failed to deliver the required public outputs including significant deer population reductions. We suggest all existing section 7s should become DMNROs.

We would support calls for greater clarity on how DMNROs will be applied in practice. NatureScot is well-placed to develop guidance on the following key issues:

- How areas for potential Orders will be identified. We recommend that existing data be used to map landscape areas with high potential for the ecological enhancement of peatland and native woodland, particularly through ecological connectivity.
- The process leading up to an Order being applied.
- Criteria for how the potential for enhancement to deliver social, economic and/or environmental benefits will be measured. We recommend that the Woodland Herbivore Impact Assessment method can provide a key component of assessing both the recovery of existing overgrazed woodlands and the progress of natural regeneration to increase native woodland cover and ecological connectivity within landscapes.
- Clarity on the mechanism and scale of payments to support deer management that will deliver public objectives and clear outcomes for sustainable deer management. The potential to have a positive influence on deer management through support for venison should be considered in tandem with the deer sector. As our response below describes, payments should not be made where deer populations are above levels that will allow ecological enhancement (e.g. above 10 per sq km on open range, 5 on peatland, 3 in woodland etc.) and should support long term maintenance culls as well as initial population reductions.

Links to the delivery of 30 by 30 measures and to securing the favourable condition of designated sites needs to be clarified.

We also seek clarification on the further 21 recommendations of the independent Deer Working Group Report that do not appear to be covered by this consultation, and which we accept may relate to more detailed points. We seek reassurance that the recommendations of the independent Deer Working Group Report, accepted by Scottish Government, will be implemented in full.

We agree that the DMNRO approach should be piloted and then adapted as required for use in more areas. Ultimately if we are to reduce deer populations, which are at the highest level on record across Scotland, we may need to apply DMNROs much more widely, whilst accepting that this may need to be on a phased approach.

Good deer population and cull data will be required by NatureScot to make this and other proposed improvements to deer management systems effective. We support adoption of the FLS Wildlife Management Dashboard across all of Scotland.

Do you agree that NatureScot should be able to require a person who is subject of a DMNRO to undertake a range of actions to achieve deer management objectives in these circumstances?

Such actions could include:



- reductions in deer numbers, by setting a target density or a specified cull over a period of time
- deer fencing, e.g. requiring fencing to be put in place by landholdings with high deer numbers to prevent those deer damaging restoration projects elsewhere within the DMNRO area
- specified additional work to support deer management including habitat assessments, more detailed cull plans, and cull reporting.

✓ Yes

Do you agree that if financial incentives for deer management are created, individuals subject to DMNROs should be automatically eligible for such support?

✓ Yes

Do you agree that non-compliance with DMNROs should be treated in the same way as non-compliance with existing control schemes ie:

- It would be an offence
- It would carry a maximum fine of £40,000 or 3 months imprisonment or both.

✓ Yes

Do you agree that NatureScot should be able to recover costs from the landowner where they are required to intervene as a result of non-compliance with DMNROs?

✓ Yes

Please provide any further comments on the questions in this section here:

While we recognise deer fencing remains a tool, it essentially represents a failure in deer management and should be phased out as deer management becomes more sustainable. The public should not pay for deer fencing in circumstances where a landowner wishes to maintain high deer numbers for sporting purposes, and certainly not where deer populations are above the 10 per sq km threshold.

Making incentives automatic for those in a DMNRO area is perhaps too stark. Any incentives must be clearly linked to delivery of public objectives and outcomes for sustainable deer management. Incentives must go beyond deer population reduction culls and support longer term maintenance culls.

There needs to be a mechanism to ensure that: a) those that need financial support are eligible; b) those that are willing to take the necessary measures are eligible. Effective regulation in the public interest cannot be achieved without effective sanctions. We do have some concerns around the ethics of providing public money to landowners who have allowed deer numbers to multiply while other landowners acted responsibly in the public interest without financial support. To help ensure a just transition, there may be a case for any public money to be directly used to employ or contract



local stalkers at fair rates of pay, rather than channel through landowners to make private arrangements.

Theme 2: Compulsory Powers and Compliance

Do you agree with our proposals that would allow changes to the types of information which can be requested by NatureScot (under section 40 of the 1996 Act), to be made via secondary legislation?

✓ Yes

Do you agree with our proposals that the period of time over which NatureScot can ask for information on planned future culls should be increased from 12 months up to a period of 5 years?

✓ Yes

Do you agree with our proposals that NatureScot should be able to use emergency powers under Section 10 of the Deer (Scotland) Act 1996, which include the ability to enter land to undertake short term deer management actions for a period of up to 28 days, to tackle damage to the natural heritage?

✓ Yes

Do you agree with our proposals that where NatureScot have intervened and carried out deer management actions as a result of these emergency powers, they should be able to recover reasonable costs?

✓ Yes

Please provide any further comments on the proposals set out in this section here:

It is right that Scottish Government, through NatureScot, has the power to intervene in the public interest. The land is a national asset and its management must be for all.

The recommendation for 'planned cull approval system' (independent Deer Working Group Recommendation 97) must be fully considered, and as we consider this to be an essential part of the sustainable deer management toolkit for NatureScot.

NatureScot should continue to provide an advisory and supportive role to those landowners and deer managers seeking to manage deer sustainably, especially through incentives, in conjunction with taking regulatory action for those unwilling to do so.

Section 8 of the Deer (Scotland) Act should be reviewed and improved to make it more workable in practice and for use as part of the NatureScot intervention toolkit. Consideration should be given to escalating current section 7s which have failed to deliver public requirements over a long period of time to DMNROs. Sections 6-10 of the Deer Scotland Act 1996 should be reformed as a whole to ensure that they align with DMNROs and focus on environmental enhancement rather than preventing damage. Other compulsory powers, such as those contained in the Land Reform Act 2016, to require the production of a Deer Management Plan, should be used in full by NatureScot.

Theme 3: Deer Welfare



Do you agree with our proposals that everyone shooting deer in Scotland should meet fit and competent standards as evidenced by having achieved at least Deer Stalking Certificate Level 1?

✓ Yes

Do you agree with our proposals to establish specified competence levels for those deer management activities which currently are only permissible under authorisation by NatureScot, such as night shooting, driving deer and out of season shooting?

This would mean anyone undertaking these activities must have evidenced their competence levels and registered with NatureScot but would not need to apply for a specific authorisation to undertake these activities.

✓ Yes

Do you agree with our proposals that the requirement for an individual authorisation from NatureScot to carry out activities such as night shooting, driving deer and out of season shooting could be replaced by registration on the Fit & Competent Register where deer managers must have evidenced their competency to undertake specified activities?

The Fit & Competent Register should replace individual authorisations for these activities

Do you agree with our proposals that use of a shotgun to kill deer should be subject to stricter regulation?

Use of a shotgun to shoot deer should require registration on the Fit & Competent Register

Do you agree with our proposals that any capture of live deer should be individually authorised by NatureScot?

✓ Yes

Do you agree that NatureScot should develop a statutory Code of Practice, which could provide guidance and minimum standards on topics such as animal welfare and disease prevention, on the live capture of deer in Scotland in collaboration with stakeholders for use in future?

✓ Yes

Please provide any further comments on the proposals set out in this section here:

Consideration will be needed as to how the competency standard would apply to paying stalking guests – at current their competency is not accounted for.

Many landowners currently require level 2 of their staff or contractors. Is this standard (or a professional qualification) worth considering?

Deer management in Scotland should seek to adhere to the [‘seven principles’ of animal welfare](#).

Theme 4: Changes to close seasons

Do you agree that the close season for female deer of all species should be the same?



✓ Yes

Do you agree that the close season for female deer of all species should be changed to cover the period of highest welfare risk, from 31 March to 30 September?

✓ Yes

Please provide any further comments on the proposals set out in this section here:

With reference to the quotes at the foot of page 27 - all of which we agree with - it appears that these statements are set within changes that have already been made to previous male deer seasons (which have now been removed). We would urge against any trade-off that involved reinstating some form of close season for male deer. The reason we believe this is important is that while reduction of the hind population is the key to achieving reduction of numbers on a national scale, there are and will remain circumstances where male deer populations are responsible for extensive damage to specific sites during the winter months. In these areas landowners need to retain the flexibility to cull outwith the historic season without provoking the division and controversy that can arise in some localities in response to applications for out-of-season authorisations. With that caveat we support the rationale for the proposed changes to female seasons.

We share the views of many we have spoken with in the deer sector supporting a role for the involvement of the Scottish Animal Welfare Commission in reviewing the welfare implications of the changes to the seasons and the value of securing information from deer managers on deer shot at all times of year and particularly during these new 'shoulders' of the female season to help evaluate the welfare implications. We support the use of secondary legislation to specify the dates of seasons opening and closing so that these can be amended more readily in future if required.

Theme 5: Venison

Do you agree that venison specific regulations should be repealed and venison should simply follow the same regulatory procedure as other wild meat and game products without the additional requirement of a Venison Dealers Licence?

✓ Yes

Please provide any further comments on the proposals set out in this section here:

We support any measures that remove barriers and encourage local venison to reach local people at affordable prices. We believe this is a crucial part of a just transition.

We also support Scottish Venison's call to move towards a modern, digital data collection and analysis system that can be readily used by venison producers and better meets the need for traceability of food products to source producers. Such a system should be readily checkable by authorities such as Food Standards Scotland and help to provide cull data from small volume producers who currently do not submit an annual cull return.

While the Venison Dealers Licence (VDL) falls short of meeting these requirements, we do not believe it should be removed until a system as described above is put in place.



We recognise the general move towards the use of non-lead ammunition to manage deer populations in Scotland, however this needs to be a uniform approach to give confidence to the public that venison is a safe and healthy product. Lead is toxic to wildlife and humans.

Theme 6: Kept and farmed deer

Do you agree with our proposals that the owner or occupier of land should be allowed to shoot stray farmed deer on that land in order to prevent damage by the deer, providing there is, by their assessment, no other reasonable or practical way to contain the deer?

✓ Yes

Do you agree with our proposals that anyone wishing to keep deer as private property (i.e. not for the purpose of farming or as an exhibit in a zoo) should require a licence to protect the welfare of those deer?

✓ Yes

Do you agree with our proposals that anyone seeking to release captive red or roe deer into the wild in Scotland should require authorisation from NatureScot, for example, deer which may have been caught and monitored for research purposes? This would also allow us to gain a better understanding of when and why people want to release captive red or roe deer into the wild.

✓ Yes

Please provide any further comments on the proposals set out in this section here:

There needs to be a join up and read across with INNS (invasive non native species) policy.

Reindeer should be included for consideration and as numbers of escaped animals are reported as increasing on a number of properties in the Cairngorms, where they have caused damage to areas of native woodland establishment.

This response is supported by:

RSPB Scotland
Woodland Trust Scotland
Trees for Life
John Muir Trust
National Trust for Scotland
Nature Foundation
Plantlife Scotland
Scottish Wildlife Trust



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