



The Scottish Parliament
Pàrlamaid na h-Alba

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

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Dear Paul

The Rural Affairs, Climate Change and Environment Committee took evidence from stakeholders on deer management issues in November. These sessions were agreed by the Committee as a scoping exercise before determining if and how to proceed on the issue.

The Committee discussed the evidence at its meeting of 11 December and agreed to write to you to highlight the key themes that emerged from the evidence and set out its considered view on the issues. This is outlined below and we would welcome a response from you on the issues raised.

Yours sincerely

Rob Gibson MSP
Convener

Themes emerging from evidence

Deer populations

The Committee heard evidence that while overall deer numbers have increased over the last 30 to 40 years, in recent years red deer numbers have stabilised due to factors such as higher culling levels in the 1990's and 2000's and the severe winters of 2010 and 2011. However, since 2004-5 culls of red deer have fallen, and this, together with the opportunity to colonise new areas because of declines in hill sheep, may result in numbers increasing again. Numbers of sika, roe and fallow deer are continuing to increase. The Committee was told that the agencies prefer to consider deer impacts rather than numbers, as numbers are difficult to estimate and it is impacts that are most important.

The Committee is aware that there are issues in relation to deer populations, in so far as sporting estates require a certain number of stags in order to remain economically viable. However, deer roam across estates under different ownership and the Committee understands that determining an absolute number for deer populations is very difficult. The Committee concurs with the agencies that it is the impacts of deer rather than their absolute numbers that is most important when considering appropriate approaches to deer management.

Impacts of Deer - environmental

There was conflicting evidence about the impact of deer on designated sites. Scottish Natural Heritage (SNH) and the Association of Deer Management Groups (ADMG) said that it was unrealistic to expect 100% of features on designated sites to be in favourable condition at all times, and that the proportion of features damaged by herbivores was reducing. Scottish Environment Link's deer task force members pointed to the fact that there remained a substantial number of designated sites that were in unfavourable condition because of deer impacts. There is less information about the impacts of red deer in the wider countryside, and about the impacts of roe, sika and fallow deer. The Committee also heard evidence that the Forestry Commission's survey of native woodlands had shown that around 1/3 of native woodlands were showing some signs of damage from deer. The Committee understands that because of declining sheep numbers deer are moving into new areas previously grazed by sheep but there was no consensus in the evidence received as to the nature and scale of the impact this change is having. Some witnesses thought that the impacts of this had not yet become apparent, others thought that in spite of the declines in sheep, there remain many places where natural heritage impacts can be unequivocally attributed to deer. The Committee also understands that climate change is impacting on designated sites and endangered plant species.

The Committee recognises that deer populations are impacting on the natural heritage of Scotland. In some areas there is a need to implement further practical measures to protect the biodiversity of designated sites and the wider landscape and environment. However, the Committee also recognises that, in some cases, it can be difficult to distinguish the impact of deer from the impact of other herbivores. The Committee would be interested to hear

from the Government on any research on the impact of deer out-with designated sites, and the impacts on the natural heritage of changing herbivore numbers in our uplands, following declines in the number of hill sheep.

Impacts of Deer – economic and social

The Committee heard less evidence about the economic and social impacts of deer management. The Committee heard that the 2006 PACEC study estimated the value of deer to the Scottish economy (c.£100 million) and the number of jobs supported by deer management (c.2,500 FTEs), and that according to SNH's 2010 study "Assessing the economic impacts of nature based tourism in Scotland" field sports tourism is estimated to be worth £136 million a year (around one-tenth of the economic impact of all nature-based tourism). SNH's written evidence states that there is a lack of authoritative evidence on the impact of different management approaches on local jobs and rural communities. The SPICe briefing the Committee received states that the annual value of venison sales is approximately £2 million, with associated processing worth a further £8 million.¹ The Committee did not hear detailed evidence on the impacts of deer on agriculture, forestry or road safety.

The Committee understands that deer are of significant value to the Scottish economy and deer management supports a number of jobs, particularly in remote and rural parts of Scotland. The Committee urges the Scottish Government to undertake work to assess the impact of different deer management approaches on local jobs and on rural communities.

The Committee did not take evidence on the wider impacts of deer but would be interested to hear from the Scottish Government of any research on the impacts of deer on the road network and impacts of deer on the urban environment.

Code of Practice

The Committee heard conflicting evidence about the Code of Practice on Deer Management. Some witnesses argued that since the code had only come into place in 2012, it was premature to make a judgement about how effective it will prove to be, and that the code is generating a change in deer management – many more DMGs are now preparing deer management plans. Others said that the Code was merely a continuation of the policy of voluntary deer management which had been failing to secure deer management in the public interest for over 50 years. Dr John Milne emphasised the solution that the Deer Commission Scotland had recommended to the Scottish Government, which was a statutory duty of sustainable deer management. This was rejected by the Scottish Government when it developed the Wildlife and Natural Environment (WANE) Act 2011, as it decided it would be difficult to frame a duty that would be compatible with ECHR. This issue was not explored in evidence, although it was explored by the predecessor Committee in Stage 1 evidence and in its report on the WANE Bill.

¹ SPICe briefing 13/74 'Wild deer in Scotland', available at: <http://www.scottish.parliament.uk/parliamentarybusiness/69742.aspx>.

The Committee understands that a policy of voluntary deer management has been pursued for many years and the current Code of Practice on Deer Management came in to force in 2012. **The Committee believes that as the Code has only been in place for a relatively short time it is premature to make a judgement as to how effective it is going to be. The Committee considers that there is no definitive evidence of the need to introduce a statutory duty of sustainable deer management for deer management groups at this point in time. However, the Committee will continue to monitor the effectiveness of the Code and will review its success in generating changes in deer management before the end of the session.**

SNH powers of intervention

The Committee heard conflicting evidence about the effectiveness of the current powers available to SNH to secure deer management in s.7 and s.8 of the Deer (Scotland) Act 1996. While some witnesses thought that s.7 control agreements were securing positive changes in deer management on designated sites and surrounding land, others pointed to the failure to make an agreement work at Ardvar as evidence that control agreements are insufficient. There was no agreement about whether s.8 control schemes could be made to work. ADMG said that the available powers had yet to be tested and it was “high time” that the operation of existing regulation alongside the voluntary approach was ascertained. SNH stated that recently they have actively considered the use of the section 8 power at only one site, namely Caenlochan, and that often the threat of using that compulsory and credible backstop is incentive enough to make the voluntary system deliver. Anticipating that the use of the powers would be subject to legal challenge, Dr John Milne said that he thought it would be difficult and very costly for SNH to gather sufficient evidence that a control scheme was needed. He and other witnesses highlighted the public resources that SNH put into deer management, and that these have become even tighter in the past few years. SNH said that in the past 6 months it had been working to secure two section 7 agreements, and that if it was not possible to secure agreement on one of those sites (Ardvar), that it would ask the Minister for the Environment to sanction the use of section 8 powers for the first time.

The Committee understands that the powers to issue section 7 orders have been available to the Deer Commission and subsequently to SNH since 1959², however their effectiveness has yet to be fully assessed. The Committee recommends that the Scottish Government undertakes an assessment of the effectiveness of section 7 agreements, as part of the forthcoming review of the current wild deer strategy, and informs the Committee of the outcome.

The Committee also understands that section 8 orders have not yet been utilised and, as they remain untested, it is difficult, at this stage, to judge

² The Red Deer Commission had a power to enter into control agreements with landowners in respect of Red deer, where they were damaging agriculture or forestry, in section 7 of the Deer (Scotland) Act 1959. Where agreement could not be secured, the Commission could make a control scheme. Sika deer were added with an amendment in 1982. This power was extended to cover all species of deer in Scotland, and broadened to include situations where deer were damaging the natural heritage, or pose risk to public health or safety, by the Deer (Scotland) Act 1996, and the powers were stated in separate sections – section 7 of the Act covering control agreements and section 8 covering control schemes.

whether section 8 control schemes could be made to work. The Committee heard that the (as yet untested) section 8 powers may soon be used for the first time. The Committee looks forward to receiving an update from the Government on the application and outcome of the use of this power. The Committee would encourage SNH and the Scottish Government to make full use of section 8 powers where voluntary agreement cannot be secured or where environmental damage is persisting. The Committee recommends that the Scottish Government undertake an assessment of how workable section 8 powers are given that they as yet remain unused, and informs the Committee of the outcome.

Operation and effectiveness of Deer Management Groups

The Committee heard a range of views on the effectiveness of the current voluntary system of management of red deer on the open hill by deer management groups. The Committee heard that the work of DMGs is not transparent, with some exceptions. For example, it is not possible to find out when they meet or how to attend their meetings, or what, if any, arrangements they have in place to plan the management of deer. It is also not possible to assess how well these plans are working, or for the public to contribute to the development of the plans. Some witnesses said that they found the atmosphere at meetings intimidating, especially for members who are seeking to reduce deer numbers against the wishes of the majority of group members. Other witnesses told the Committee that the groups were increasingly embracing deer management planning, with the majority of groups now having either a plan in place, or in preparation, that interested members of the public would be welcome to attend group meetings and that groups were increasingly aware of the need to be more transparent and accountable. The Committee questioned the timescales for the adoption of deer management plans by all deer management groups, and was told by the ADMG that the expectation was that this would be done over the next 5-10 years. The Committee received written evidence from the Lowland Deer Network Scotland but did not explore the arrangements for managing lowland deer in detail.

The Committee recognises that some DMGs (16 out of 40) have plans in place, and a further 12 are developing plans. However, the Committee considers that the current and predicted pace of movement towards all DMGs having demonstrably effective and environmentally responsible management plans in place is too slow.

The Committee considers that a reasonable timeframe for all DMGs to have adopted such deer management plans is by the end of 2016. The Committee will monitor progress in this respect and will consider what further action may be required, should the voluntary approach fail, to ensure that deer management plans are adopted and implemented by all deer management groups by the end of 2016. Those plans should be environmentally responsible and demonstrate how they are delivering positive outcomes for deer populations and for the natural heritage. The Committee recommends that all deer management plans should also be publically available.

The Committee is concerned that the work of some deer management groups is insufficiently transparent and publically accountable. The Committee is also

concerned that some groups may be failing to include stakeholders with the necessary local knowledge, interest and expertise in deer management. The Committee recommends that meetings of these groups are held locally and the Committee considers it is vital that those with practical knowledge and expertise both in deer and habitat management, such as gamekeepers, stalkers, and ecologists, are active participants in deer management groups. The Committee also considers that wider community interests should be represented on deer management groups with the inclusion of local community representatives.

The Committee recognises that there may, at times, be a need for some matters to be considered in private, however the Committee expects a significant proportion of these meetings to be open and accessible to all interested bodies and individuals. The Committee recommends that, as is good practice, details of agendas, papers and minutes of meetings are published. The Committee urges the Scottish Government to ensure that the meetings of all deer management groups are effectively publicised and open to all and recommends that SNH supports this work. The Committee also expects each deer management group to consider the appropriate number and frequency of meetings required to facilitate the development and implementation of their deer management plan and support the effective operation of the group. The Committee will monitor progress on the establishment and operation of these groups and consider what further action may be required.

Review of current wild deer strategy

The Committee understands that the strategy for managing deer – Scotland's Wild Deer a National Approach (2008) is going to be reviewed this year, and that actions under the strategy are constantly under review. The Committee understands that this may provide an opportunity to consider standards in deer management and whether the current arrangements are delivering sustainable deer management, but it is not aware of the scope, timing or process for this review. The Committee also understands that SNH has commissioned work on deer management in other European countries.

The Committee would welcome further information on the scope, timing and process of the forthcoming review of the wild deer strategy and information on deer management in other European countries, when available.