



The Scottish Parliament
Pàrlamaid na h-Alba

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

AGENDA

33rd Meeting, 2013 (Session 4)

Wednesday 13 November 2013

The Committee will meet at 10.00 am in Committee Room 6.

1. **Decision on taking business in private:** The Committee will decide whether its consideration of a draft letter to the Scottish Government on climate change adaptation and behaviour change should be taken in private at future meetings, and whether its approach to the expected Agricultural Holdings (Scotland) Act 2003 Remedial Order 2014 should be taken in private at its next meeting.
2. **Declaration of interests:** Cara Hilton will be invited to declare any relevant interests.
3. **Deer management:** The Committee will take evidence from—
 - Dr Maggie Keegan, Head of Policy and Planning, Scottish Wildlife Trust;
 - Mike Daniels, Head of Land and Science, John Muir Trust;
 - Duncan Orr-Ewing, Head of Species and Land Management, RSPB Scotland;and then from—
 - Richard Cooke, Chairman, Association of Deer Management Groups;
 - Alex Hogg, Chairman, Scottish Gamekeepers Association;
 - Jamie Williamson, Alvie Estate representing Scottish Land and Estates.
4. **Draft Budget Scrutiny 2014-15 (in private):** The Committee will consider a draft report to the Finance Committee.

Lynn Tullis
Clerk to the Rural Affairs, Climate Change and Environment Committee
Room T3.40
The Scottish Parliament
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The papers for this meeting are as follows—

Agenda item 2

Note by the Clerk

RACCE/S4/13/33/1

[SPICe Briefing - Wild Deer in Scotland \(13/74\)](#)

PRIVATE PAPER

RACCE/S4/13/33/2
(P)

Agenda item 3

PRIVATE PAPER

RACCE/S4/13/33/3
(P)

Deer management

Background

1. On 11 September 2013 the Rural Affairs, Climate Change and Environment Committee agreed, as part of its work programme, to scrutinise the issue of deer management in Scotland.

2. The Committee agreed that this work would begin with three evidence sessions to be held by the end of the year. These are initial sessions to aid the Committee's understanding of the issues and the range of views and to scope out potential further work on the issue.

3. The Scottish Parliament's Information Centre (SPICe) recently published a briefing on Wild Deer in Scotland, which is available at this link—

<http://www.scottish.parliament.uk/parliamentarybusiness/69742.aspx>

Evidence on 13 November 2013

4. On 13 November 2013 the Committee will take evidence from two panels of witnesses as follows—

- Panel 1 – John Muir Trust; Scottish Wildlife Trust; and RSPB Scotland; and
- Panel 2 – Association of Deer Management Groups; Scottish Land and Estates; and the Scottish Gamekeepers Association.

5. Written submissions have been submitted by Scottish Environment LINK; Scottish Environment LINK Deer Task Force; Association of Deer Management Groups; Lowland Deer Network Scotland; Professor Douglas C. MacMillan, Durrell Institute of Conservation and Ecology; Reforesting Scotland; Scottish Gamekeepers Association and Scottish Land & Estates in advance of the sessions on 13 November, and these are attached at the **Annexe**.

Evidence on 20 November 2013

6. The Committee will then conclude its scoping work by taking evidence from SNH, the Forestry Commission, the Cairngorms National Park Authority and Professor John Milne (former Chairman of the Deer Commission) at its meeting on 20 November 2013.

Next steps

7. The Committee will then consider, as part of its work programme planning in December 2013, how it wishes to proceed on the issue.

Clerks

Rural Affairs, Climate Change and Environment Committee

Written submission from Scottish Environment LINK

Deer Management to Improve Scotland's Natural Heritage: Time for Change

INTRODUCTION

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 30 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

The effective and sustainable management of rising deer populations is of serious conservation concern in Scotland today. Large areas of our uplands and native woodlands have been ecologically impoverished over several centuries, due in large part to the impacts of high deer numbers maintained for sporting and estate capital value purposes. Significant damage to the natural heritage associated with deer management has been on the radar of public authorities for decades. To make progress, fundamental changes to deer management systems are urgently required. This approach will reduce current land management conflicts, and increase other rural development opportunities in our countryside.

Much of the cost of deer management in Scotland is being borne by Forestry Commission Scotland (and therefore the public) on the National Forest Estate, who perform 28-30% of the annual deer cull on only 9% of Scotland's land area. It is now time for change in approach, and the private land management sector needs to assume greater responsibility for sustainable deer management. We welcome the fact that the Scottish Parliament RACCE Committee is considering the impacts of high deer numbers on Scotland's natural heritage, and we look forward to some clear recommendations in advance of the proposed review by SNH of Scotland's Wild Deer Strategy in 2014.

LINK recognises that native deer species are important parts of our natural heritage - but the deer populations have increased significantly in recent decades. For example, the red deer population alone has increased from 150,000 in the 1960s to about 400,000 animals today. Populations of deer are much higher than most comparable European countries. With the extinction of natural predators, deer populations require management by humans in order to ensure that their populations do not increase to levels which cause damage to important natural heritage features and ecosystems.

The Scottish Government has set a target to improve the condition of the features of designated natural heritage sites. This target can only be delivered (particularly on montane, peatland and woodland sites), by tackling excessive browsing and trampling by high deer populations (and in some cases sheep). Important habitats and fragile populations of priority species identified in the Scottish Biodiversity Strategy, such as Caledonian pinewoods and capercaillie, are being negatively impacted. Outside designated sites, excessive deer browsing and deer fencing

erected to manage high deer populations and protect woodlands and farms, are also issues. This damage by deer is preventing other Scottish Government targets from being met, including those for peatland restoration, woodland expansion and tackling climate change.

The joint Scottish Government agency vision for the next 20 years, set out in the strategy “**Scotland’s Wild Deer; A National Approach**” promotes sustainable deer management. We consider, however, that sustainable deer management cannot be delivered within the current legal framework set out in the Deer (Scotland) Act 1996. The compulsory powers under section 8 of the Deer Act to intervene on private land to enforce the public interest have never been used by SNH. We believe they are unworkable due to the required levels of proof, high costs and anticipated legal challenge by private landowners.

There is little evidence that the voluntary **Code of Sustainable Deer Management**, (under the Wildlife and Natural Environment Act 2011) has resulted in significant changes to current deer management practice in many parts of Scotland in relation to “actions to protect and enhance the environment”. LINK believes the Code should now be made statutory, requiring compliance with sustainable deer management by all landowners, with published deer management plans recognising both the public and private interests. Only 16 of the current 42 Deer Management Groups have produced Deer Management Plans. Where they exist, these documents have not undergone public consultation, and are unenforceable legally.

We ask RACCE to consider the following issues:

- LINK would like RACCE to review progress against the ‘Red Deer and the Natural Heritage’ document produced by SNH in 1994. Amongst other things this report recommended a reduction of 100,000 in the Scottish red deer population. The population of red deer has continued to increase.
- We want a review of the use of the powers of SNH to intervene through the use of deer control orders under sections 7 and 8 of the Deer (Scotland) Act 1996 and reforms to allow speedier interventions.
- We believe it is time to examine deer management structures in other European countries, where there is greater involvement by Government and local communities in the way that deer populations are managed in the public interest. SNH could do this and make recommendations based on the work.
- Prior to WANE Act 2011, it was proposed by the then Deer Commission for Scotland to introduce a statutory requirement on all landowners to manage deer populations sustainably. This should be revisited, consulted upon and compared with the present voluntary Code.

LINK recommends that Scotland should investigate the options for a statutory deer management system, with SNH working alongside private landowners to produce deer management plans, reflecting both public and private interests. These plans should undergo public and community consultation. Cull targets and returns would be set, with powers of intervention and cost recovery for non-compliance. Whilst we

recognise that this would come at a cost to the public, we note that deer management is already costing FCS £5 million per annum in culling costs (plus the significant costs of deer fencing on the National Forest Estate). Under a statutory system the private sector would bear more of the costs, supported by SNH.

Alternatively, the Forestry Policy Group has suggested that a licensing system for deer management could be put in place. Under this proposal, licences would be issued by SNH to landowners who meet a Local Deer Management Standard (LDMS), recognising both public and private interests. The LDMS would identify the target population of deer in each DMG area, and would be produced by the local DMGS with support from SNH. If landowners failed to meet the standard, SNH would have powers to intervene and recover costs. This system might have the advantage of low public costs, and relate to the existing section 7 control agreements. Costs of regulation would be met by imposition of a “sporting rate”. In the event of compliance no annual licence fee would be payable, thereby encouraging engagement by estates.

This LINK Parliamentary Briefing is supported by the following member organizations:

Butterfly Conservation Scotland
 Cairngorms Campaign
 John Muir Trust
 Plantlife
 RSPB Scotland
 Scottish Countryside Rangers Association
 Scottish Raptor Study Group
 Scottish Wild Land Group
 Scottish Wildlife Trust
 Woodland Trust Scotland

Written submission from Scottish Environment LINK Deer Task Force

Deer and Natural Heritage Impacts

Introduction

Whilst native deer are recognised by LINK as an important part of our natural heritage, damage caused by high deer populations to natural heritage assets - in the absence of natural predators - is one of the most pressing conservation issues in Scotland.

Our current Scottish upland landscape is the result of several centuries of modification by de-forestation; burning for agricultural “improvement”; management for grouse; and overgrazing by high numbers of domestic livestock and deer. This has resulted in impoverishment of our natural eco-systems, including a reduction in soil quality in many areas. SNH’s Natural Heritage Futures project, first published in 2002, identifies high deer populations in some areas as a significant constraint in terms of meeting the objectives for the improvement of both biodiversity and landscapes in Natural Heritage Zones by 2025. This issue needs to be grasped if we

are to meet our international commitment to the 2020 Aichi Biodiversity Targets, as well as our own domestic Scottish Biodiversity Strategy which inter alia aims to:

“protect and restore biodiversity on land and in our seas, and to support healthier ecosystems”.

In “Mountains, Moors and Heaths” UK National Ecosystem Assessment Technical Report (Van der Wal et al. 2011) it is stated;

“Grazing; arguably the most significant driver of change in mountain, moorland and Heathland habitat quality has been changes in grazing by sheep and deer in the Scottish Highlands.... . High grazing pressure throughout much of the uplands has substantially reduced the quality and extent of alpine and sub-alpine dwarf shrub heath, moss heath and scrub-rich vegetation.”

In the past 200 years deer populations have been largely managed as a sporting resource. Legislation in the past 50 years, which has been enacted to tackle a growing problem, has failed to make substantial progress. Scottish Government financial incentives designed to improve sustainable deer management practices have proved inadequate. The costs of deer management in Scotland are falling disproportionately on the public sector. Forestry Commission Scotland underpins the national deer cull effort by carrying out 28-30% of the national cull (FCS National Forest Estate Deer Management Review 2013) on 9% of Scotland’s land area.

In 1994, Scottish Natural Heritage produced a policy paper entitled “Red Deer and the Natural Heritage”. We suggest that this document should be an important reference point for the current work of the RACCE Committee. In “Red Deer and the Natural Heritage” it is stated that “SNH has pressed for new legislation which acknowledges unequivocally that management for red deer populations for the protection and enhancement of the natural heritage is a legitimate and necessary provision, equal in weight, and not unrelated to, the need to protect agricultural and forestry interests”. This same report made a series of recommendations to better manage Scotland’s rising deer populations, yet many of these recommendations, including proposals to reduce the red deer population at that time by 100,000 animals have yet to be implemented. Indeed, in 2013 red deer and roe deer populations have risen and the natural heritage problems identified by SNH in 1994 have got even worse.

Deer damage by browsing and trampling is now a chronic problem in many important upland, peatland, and montane natural heritage sites. Many important woodland sites are also heavily impacted by excessive browsing, where older seed trees are dying and replacement saplings are grazed; our finest ancient woodlands are unable to regenerate.

The damage caused by deer (and in some cases also by feral goats and sheep) to priority habitats can be summarised as:

- suppression of tree and shrub regeneration, leading to eventual loss of woodlands.

- eradication of tall herb, scrub and shrub communities and replacement with grasses.
- loss of species' diversity in the ground layer of many habitats including woodland and species rich grassland.
- locally severe physical poaching by trampling of deer to mires, fens and flushes; increased rates of soil erosion, particularly on blanket mires; increased runoff rates; decreased water quality; and increased downstream flooding risk.
- loss of woodland grouse species through deer fence strikes erected to manage high deer populations and protect natural heritage assets from deer damage.
- habitat compartmentalisation and fragmentation resulting from the erection of deer enclosures.
- Reduction of natural processes in woodlands, such as low level browsing and disturbance when deer are excluded by fencing.

Effective sustainable deer management will also help the Scottish Government to meet its woodland expansion targets as part of climate change mitigation and the wider objectives of the Land Use Strategy. Many important Scottish peatland sites are also deteriorating due to high deer numbers and, because degraded peatlands emit rather than lock up greenhouse gases, this means that Scotland's climate change targets are also being undermined.

In light of the above, LINK are pleased that the RACCE Committee are now considering the issue of deer and natural heritage and we hope that substantive recommendations for improvements to current deer management systems can be made in the lead up to the expected review of Scotland's Wild Deer Strategy in 2014.

Whilst the primary concern is damage to the natural heritage, this is inextricably linked to the way deer are managed in Scotland. For over 30 years in Scotland a voluntary system of deer management has operated and this system has, largely recognised the private sporting interest. During that time both the deer population and damage to designated sites has continued. However, sporting objectives and sustainable deer management need not be mutually exclusive and the former should be seen as a principle means by which Scotland's deer population can be managed sustainably.

Impacts on the natural heritage of high deer populations

Designated sites

There has been ongoing evidence of deer damage to designated sites, especially woodland sites, for many years. 28 out of 54 of our most protected woodlands (EU Natura 2000 SACs) are currently classed by SNH as being damaged by deer. This is

unlikely to be compliant with the EU Habitats Directive, which could result in infraction proceedings. It is noted that on some open habitat designated sites, high browsing pressure is required to maintain them in favourable condition and deer have a valuable role to play in these sites.

Overall, 321 out of 1203 designated sites are currently classed as being damaged by deer. Many of these sites have been recorded as damaged by deer for decades by SNH.

Protected species are also indirectly affected by high deer numbers. For example, the Scottish capercaillie population is in trouble. There are now only an estimated 1200 birds, with 75% of the population in Strathspey. On Deeside and in Perthshire the populations of capercaillie are on the verge of localised extinction. Research suggests that part of the problem facing this species is high deer numbers impacting on their woodland and shrub habitats, as well as bird strikes on deer fences. Although a good number of capercaillie Special Protection Areas (SPAs), notified by SNH under the EU "Birds" Directive, are performing badly for capercaillie. Numbers of this species are declining steeply in supposedly their most important sites - for example, Ballochbuie SPA on Deeside. Progress towards reducing deer numbers and removing damaging deer fencing has been slow at some of these sites, including at Ballochbuie.

Native woodlands

Studies show that excessive deer browsing can prevent tree regeneration of some of our most iconic woodland habitats, including sites designated under the EU Habitats Directive; Caledonian pine forests containing Scots pine (Scott, 1999, Palmer 2002); Atlantic oakwoods (Palmer 2004); and upland birchwoods (Pollock 2004). Due to chronic deer browsing (as well as feral goat and domestic sheep browsing) Scotland has only 2 km of natural tree line in the entire country, and montane scrub ecosystems are virtually extinct. Deer may also consume seeds and fruit of trees and shrubs, which reduces regeneration and dispersal.

A number of selectively preferred trees and shrubs are also important for birds for nesting cover and for food, both in terms of seeds and berries and dependant insects. In upland pine woods, studies have shown for example that deer browsing reduced the biomass of blaeberrries by 50%, and the abundance of caterpillars by 75% (Baines et al. 1994). Density of woodland and variety of tree species is also important for invertebrate abundance, therefore any simplification of structure will reduce invertebrate food supply for birds.

Changes in understory vegetation can affect bird populations by reducing food supply, nest sites and roosting cover; and increasing vulnerability to nest predation. Populations of bird species which have been shown to be affected by loss of woodland understory to deer browsing include dunnoek, song thrush, willow warbler, garden warbler and bullfinch (e.g. Fuller, 2001). A number of these species have declining Scottish populations and are of conservation concern.

Peatlands

The conservation of Scotland's peatlands is of high conservation priority, not just because of their international conservation importance, but also because of their ability to sequester carbon and help with Scottish Government commitments to reduce the impacts of climate change. We believe that reducing grazing pressure on peatlands may be one of the cheapest options for Scottish Government to deploy to achieve its objective of reducing carbon emissions.

Whilst deer grazing at appropriate densities is an important part of maintaining peatland habitats and associated diversity of plants and birds, excessive grazing or trampling may cause peatland erosion, and thereby release greenhouse gases. There is increased susceptibility to erosion at altitude or on exposed peatland sites. Excessive deer trampling accelerates erosion which leads to increased run off and peat discolouration in water sources. The removal of peat discolouration in public water supplies is a significant annual public cost to Scottish Water. **SNH Commissioned Report 325 entitled "Climate Change, Land Management and Erosion in the organic and organo-mineral soils in Scotland and Northern Ireland" 2009, highlights in its findings that erosion is impacting 35% of the peatlands in Scotland. It is stated that;**

"The evidence suggests that overgrazing is probably the main anthropogenic driver, leading to vegetation change and increased susceptibility of organic surfaces and horizons to erosion. The evidence shows that sheep numbers have decreased in recent years, but in Scotland, there is still concern about the numbers of wild deer".

"Possible methods for reducing the risk of erosion in these areas include confining sheep grazing to the growing season (ie. avoid year-round grazing or winter stocking of these sites) and where necessary reduce deer numbers to at or below an overall density of 15 deer per square kilometre. It is also necessary to be aware of the potential role of other herbivores, particularly rabbits, in damaging these areas".

The alteration of deer movement patterns, largely by deer fencing or feeding of deer, can cause serious impacts because of deer trampling on peatlands. Naturally, deer will tend to use peatland areas less for browsing than areas of grassland due to the palatability of the vegetation, however fencing may restrict them onto peatlands, where fences are erected for the protection of agriculture.

Impacts of deer fencing on birds

Deer fencing costs to the public purse have been rising and are currently estimated at over £5 million per annum. Fencing may move deer impacts, or worse, concentrate effects elsewhere. Fencing deer out of woodland denies them natural shelter and forage. In hard winters, thousands of deer may die of exposure and starvation, with corpses often found up against woodland fences. No less than 13,000 red deer were estimated to have died in the hard winter of 2009/10 alone.

Deer fencing has also been shown by several studies to result in collisions by native grouse species including capercaillie and black grouse, both of which are species of high conservation concern. FCS has issued guidance on the appropriate use of deer fencing (Forestry Commission Guidance Note 11) to prevent damage to important natural heritage interests including woodland grouse.

LINK landowning organisations, some private landowners, and SNH have reduced deer numbers and removed deer fencing at sites such as Abernethy Forest, Glenfeshie Estate, Creag Meagaidh and Mar Lodge to promote habitat regeneration. This approach has been demonstrated to benefit both black grouse and capercaillie populations, both by improving woodland and shrub habitats, but also by reducing grouse mortality through fence collisions.

Impacts of deer on wider ecosystems

As well as improving Scotland's priority habitats, a reduction in deer numbers could help restore ecosystem health, function and resilience in the face of climate change, which would directly improve the quality of ecosystem services. Examples of ecosystem services affected include: climate regulation - carbon sequestration from peatlands, trees and shrubs; flood alleviation through scrub and woodland regeneration (and less peatland run off) slowing water movement in the catchment; soil formation and quality; improved water quality (because of less peat erosion); timber and forest production; cultural services such as increased biodiversity, aesthetics and inspiration.

Deer management

There are an estimated 400,000 red deer in Scotland, an increase from about 150,000 in the 1960s. Estimates for roe deer are more recent, but these too indicate a rise from 300,000 to 350,000 in the last decade. Whilst native deer are an essential part of our natural heritage and can help maintain functioning ecosystems,(such as woodland), with the elimination of their natural predators, locally high deer numbers can also cause serious damage to habitats and ecosystems. This damage is caused by excessive browsing and trampling. As a result, deer populations require to be actively managed by humans.

In comparison to other countries, Scotland has very high red deer populations. For example, in Germany, there are c. 150-180,000; in France c. 35-40,000; Sweden less than c.10,000; and Norway c. 130,000 animals (Royal Zoological Society of London 2013). On this basis Scotland's density of red deer is 5 times higher than Germany; 10 times higher than Norway; and 100 times higher than Sweden or France. The high number of deer in Scotland is largely encouraged and maintained by private estates for sport shooting. In other European countries there are other systems of sustainable deer management, which could help inform new deer management structures for Scotland.

In addition to our native deer populations, there are also substantial numbers of non native introduced species of deer, notably sika and fallow deer introduced originally for ornamental or sporting purposes. In the case of sika deer hybridisation with our native red deer has reached a point where it cannot now be stopped on the

mainland. As a result “Red Deer Refugia” have been established to ensure future integrity of our native red deer genotype, and these sites are mainly located on islands (for example the Isle of Rum).

Climate change may result in milder winters and it is widely predicted that deer populations in Scotland will continue to increase (WDNA 2008). Other land use changes, such as increased forestry cover, will also result in higher deer numbers through the creation of preferred habitats, exacerbating already serious deer damage to the natural heritage.

Problems with the current deer management system

The current system of deer management in Scotland relies to a large extent on a voluntary approach supported by the Deer (Scotland) Act 1996 as amended, and a voluntary Code of Practice on Sustainable Deer Management 2012. The focus on deer management in large areas of upland Scotland in particular remains with private landowners, many of whom wish to maintain high numbers of male deer for sporting reasons.

The capital valuation of upland sporting estates is still predicated partly on the number of sporting stags available to shoot and this leads to the desire in many places to retain high populations of deer.

Recent responses to Parliamentary Questions (October 2013) show that:

No compulsory control schemes for deer have been initiated by SNH since introduction of powers (section 8) under the Deer (Scotland) Act 1996. Whilst these powers were improved to make them more workable in the Wildlife and Natural Environment Act 2011, we believe that the burden of evidence required by SNH to intervene to protect the natural heritage (and wider public interest), remains too complicated and therefore open to legal challenge by resistant landowners. Section 8 compulsory powers are therefore unworkable in the present format.

Whilst section 7 voluntary control measures have been widely deployed by SNH, progress with achieving favourable condition of the features of important natural heritage sites is painfully slow in many cases (see paragraph 2.1). Damage to the countryside and its natural heritage features outside designated sites is also an important consideration if we are to protect our natural heritage (especially peatland and native woodland sites) and we see little progress on sustainable deer management outside designated natural heritage sites.

LINK participates in a number of deer management groups. We see little desire in most DMGs to reflect the Code of Sustainable Deer Management practice in relation to “actions to protect and enhance the environment” whilst accepting that this is work in progress following introduction of the Code in 2012.

Of the current 42 Deer Management Groups in Scotland only 16 have current Deer Management Plans in place. How can we have effective deer management in Scotland without effective planning in both the public and private interest? Those Deer Management Plans that are in place are largely not public documents; they

have not had community and other stakeholder engagement; and many focus still to a large extent on the sporting stag resource. Where they are in place, these documents are also not enforceable on the ground. Very limited progress has been made on this issue since the SNH “Red Deer and the Natural Heritage” report in 1994.

The Forestry Commission underpins the national deer cull effort to the tune of 28-30% of the cull on 9% of the land area of Scotland. This cost is put at about £5 million per annum to which costs of deer fencing at a similar level need to be added.

LINK Recommendations

Current and long term damage by deer to designated sites, and other important natural heritage features, is a major conservation issue in Scotland. Deer are also having serious impacts on the delivery of important Scottish Government policy, including the Land Use Strategy; Scottish Biodiversity Strategy; climate change adaptation programme and forest expansion targets. The costs to the public purse of deer impacts are currently high and relate to fencing off commercial and native woodland, damage to peatlands and cleaning discoloured water and protecting the natural heritage. We suggest there should be regard to the “polluter pays” principle and a much greater burden of minimising the costs of rectifying the damage to the natural heritage, caused by those who wish to support high deer numbers on their land, should be transferred to the private sector (and not borne as is presently the case by the public sector).

When considering damage to the natural heritage arising from high deer numbers, this must be seen in conjunction with our antiquated system of voluntary deer management structures. The current system of voluntary deer management structures in place in Scotland is not fit for purpose. Put simply, it cannot deliver the required outcome of sustainable deer management. The voluntary Deer Management Groups (DMGs) were established to manage wild deer populations as a sporting resource and are not constituted to reflect the wider public interest in deer management. LINK believes that a new approach is needed, which gives greater recognition to the public interest in deer management alongside that of private sporting interests. **We propose a number of ways forward which the RACCE may want to pursue:**

- As an absolute minimum there should be stronger and swifter action by SNH using existing powers. Deer impacts on designated sites need to be reduced rapidly to restore favourable condition. Priority should be given to reducing deer numbers and removing deer fences at designated sites important for peatlands; native woodlands; and capercaillie in particular. At present a good number of natural heritage sites are in Deer (Scotland) Act 1996 section 7 agreements, yet there is often slow progress towards achieving favourable condition status. SNH has yet to use its section 8 powers of compulsion to reduce deer numbers on designated sites. We believe that the section 8 powers are unworkable and need to be reviewed to ensure they are fit for purpose and can be implemented in a cost effective way without fear of legal challenge

- SNH should develop and consult on a series of options for future deer management planning structures in Scotland, using the valuable and significant experience from other countries (for example Scandinavia and Germany) for wider public consideration.
- At the time of the Wildlife and Natural Environment Act 2011, a statutory duty was proposed by the then Deer Commission for Scotland, which would have required all landowners to manage deer populations sustainably. This proposal was later withdrawn from the public consultation as an option. This proposal needs to be brought back and given thorough public consideration.
- LINK favours a statutory underpinning approach to deer management, which is the approach in many other European countries. SNH would administer this system, help design effective deer plans for defined geographical areas, which include both public and private interest, and meet the expectations of the Deer Code. The Deer Code should become a statutory document and apply to all private landowners. SNH should help set deer cull targets according to public management plans, and there would be a system of compulsory cull returns, with a requirement for enhanced biological data collection (as in other countries) to help inform adaptive management. LINK has taken legal advice and we believe that such a system could be developed within the requirements of the European Convention of Human Rights. We note, for example, the Association of Salmon Fisheries Boards established to manage a wild natural resource of economic value. Whilst the ASFB may not be the appropriate statutory model for deer management, this shows that it is possible to create such structures.
- The Forestry Policy Group, in its submission to the Scottish Government Land Reform Review Group of 11 January 2013 (and recognising many of the same issues as LINK in this submission), suggested a licensing system for deer management in Scotland. Under that system, licences would be issued by SNH to landowners who meet a Local Deer Management Standard (LDMS), recognising both public and private interests in deer management. The LDMS would identify the target population level for a DMG area. The contribution to the DMG annual deer cull to be made by each landholding. LDMSs would be prepared voluntarily by DMGs advised by SNH, but if these are unforthcoming or inadequate, SNH should have powers to impose them. Standards of these kind are already produced for section 7 control agreements. In the event that an owner fails to qualify for a licence, the system should provide for the allocation of hunting rights on that land to another licence holder. Costs of regulation of the industry would be met by “sporting rates”. This could be a default regime applying until a system of licensing is adopted. On this basis, there is a greater responsibility on the private sector and the charge can be reduced. Licences could be held by any person who holds Deer Management Qualification level 2.
- Consideration might also be given by SNH to a Good Agricultural and Environmental Condition (GAEC) type system, whereby a maximum deer density per square kilometre is set across Scotland to secure the public interest in deer management and protection of natural heritage assets, whilst also maintaining the sporting resource. This approach could also perhaps be refined to be set

across Natural Heritage Zones to ensure that the “carrying capacity” of the land to hold deer (for example 15 deer per square kilometre on peatlands according to SNH Commissioned Report 325) is not exceeded. In such cases where deer populations are exceeded, SNH would issue a warning letter to landowners based on deer count data that has been obtained; requiring action to reduce numbers; otherwise control orders would be deployed; and cost recovery for implementation of any reduction cull obtained.

Supported by:

RSPB Scotland
 John Muir Trust
 Scottish Wildlife Trust
 Butterfly Conservation Scotland
 Woodland Trust Scotland
 Scottish Raptor Study Groups
 Cairngorms Campaign
 Scottish Wild Land Group.

Written evidence from the Association of Deer Management Groups

The undernoted written evidence is intended to provide the Committee with information in advance of the hearings as to the way in which deer management is carried out, mainly by Deer Management Groups (DMGs), across the Highlands and Islands where red deer are present. Our sister organisation, the Lowland Deer Network Scotland (LDNS) will submit separate written evidence in regard to the management of wild deer outwith the main red deer range:-

Deer Numbers and Impacts

Deer numbers have long been the subject of surmise and comment among individuals and organisations with an interest in deer management, and in the media. The counting of deer is not an exact science but techniques have improved considerably in accuracy since the early foot counts of the 1960s. Deer numbers are believed to have increased between the 1960s and 1990s coinciding with a long series of generally mild winters resulting in increased recruitment and negligible natural mortality. However, following a period of heavy reduction culling in many areas since the late 1990s, red deer numbers are now considered to have stabilised and in our view have now declined in many areas. An estimate of the total population of red deer on the open hill based on the count programmes of the Deer Commission for Scotland (DCS), now Scottish Natural Heritage (SNH), and on individual DMG counts, is now under 300,000 of which the recorded annual cull is now between 55,000 and 60,000, having fallen back from a high of 69,000 during the reduction cull period referred to.

While deer numbers are important in setting culls it has been accepted by SNH for many years that it is grazing impacts rather than numbers that are critical in setting and meeting habitat objectives. Any discussion on deer numbers and their impact on the environment is therefore likely to be misleading if not considered along with the grazing impacts of other herbivores, mainly sheep, but also some cattle; as well

as goats, rabbits and hares where present. The number of sheep in the highlands is currently around 2.5 million. It is relevant that sheep numbers have fallen by 1.4 million over the last ten years.

Habitat response to reduced grazing in exposed locations tends to be slow and it is arguably therefore premature to judge the effect of reduced grazing and trampling as a result of lower sheep and deer numbers. SNH reports that 84.2% of features on designated sites where deer have or may have an impact are in favourable or recovering condition and that this proportion is continuing to increase, although this is no more than an indicator of trends over the deer range as a whole. *(We would note that reconciling this figure in regard to designated features with another statistic that 248 out of 957 Sites of Special Scientific Interest are in unfavourable condition due to overgrazing, [including but not exclusively by deer] is difficult and some clarification by SNH would be helpful)*

The Voluntary Principle

Following the enactment of the Wildlife & Natural Environment (Scotland) Act 2011 (WANE) deer management continues to be carried out under the voluntary principle. However it is constrained by legislation, the Deer Acts consolidated in the Deer (Scotland) Act 1996, and now WANE. This legislation provides for intervention by Scottish Natural Heritage to protect designated sites either by the promotion of voluntary Deer Control Agreements [1996 Act section 7], (of which there are currently 10), between the landholdings and parties concerned, or by Control Order [Section 8], (none to date).

More generally, across the deer range as a whole, the deer sector operates through a comprehensive framework of policy and guidance. This includes:

- a. **“Scotland’s Wild Deer – A National Approach” (WDNA)** - a joint Agencies 20 year Policy for deer management which enjoys the support of the deer management organisations and is currently undergoing its first 5 year review.
- b. **Code of Practice on Deer Management** - introduced as a result of and following the WANE Act in 2012 and in place for approximately 18 months. The preamble includes the statement: *“sustainable deer management is about managing deer to achieve the best combination of benefits for the economy, environment, people and communities, for now and for future generations”*. The principles of the Code, establishing a clear balance between economic, environmental and social aspects of deer management, are fully supported by the deer management sector. Having been involved in its development, ADMG continues to actively promote the Code to member DMGs and is pleased to report that it has been welcomed and incorporated into DMG thinking.
- c. **Best Practice** - 80 Best Practice Guides have been developed by the deer sector, working with SNH, over the last 10 years. ADMG has been involved from the outset. These set out in detail how all deer management tasks, both theoretical and practical, should be carried out to ensure public safety, deer welfare and food safety (venison).
- d. **Competence and training** - the WANE Act placed the onus on the deer sector to demonstrate the “competence” of those involved in deer

management and thus requires the sector to demonstrate self regulation in respect of training and qualifications. In 2012 the sector Competence Group, of which ADMG is a member, concluded that the benchmark for judging Competence should be the long established Deer Stalking Certificate, Level 1 or equivalent qualification, with a strong recommendation for operatives to progress to Level 2 which has also been in place for many years. There is a campaign at present to promote "Competence" beyond the professional deer managers, most of whom operate within DMGs, to others who may be involved in culling deer on an incidental basis, particularly farmers, crofters and foresters.

We have gone into considerable detail in regard to the framework in which the deer sector operates to demonstrate that the application of the voluntary principle to deer management is in no sense an opportunity for a free-for-all. The sector is accountable and is adapting to the changes represented by recent legislation and by the Code. In overall terms, these amount to a recognition of the public interest in deer and their impacts, both positive and negative, and a more inclusive approach to deer management.

Deer Management Groups

DMGs have been formed over a long period commencing in the 1960s. They now cover the whole of the open range of the Highlands and Islands where red deer are present and number 39 covering 3.4m hectares (excluding a further 8 DMGs covering 1.8m hectares in the Scottish lowlands). Many of these Groups are sub divided for practical deer management purposes and there are a total of around 20 such sub groups. The underlying purpose of DMGs, which are voluntary but fully supported in the great majority of cases, is to bring a collaborative approach to the management of a shared resource.

The Association of Deer Management Groups (ADMG) was formed in 1992 to support, advise and represent DMGs. The Association works closely with Government and its Agencies and in particular with Scottish Natural Heritage. It has played a lead role in the formation of the first Access Forum in 1994, the Scottish Venison Partnership and the Scottish Country Sports Tourism Group. It also participates in the Moorland Forum, National Access Forum, Deer Management Round Table and was prime mover in the formation of the Lowland Deer Network Scotland in 2011.

In law wild deer are *res nullius*, and belong to no man but the right to kill or take them lies with the owner of land where they are present. Open range DMGs bring together the land managers of all the land holdings in an area with a discrete deer population for the purpose of agreeing how they should be managed to meet the reasonable requirements of all members. As a shared resource deer require to be managed collaboratively and, by regular counting and the setting and allocation of cull targets which meet individual and collective objectives, DMGs attempt to share the benefits of the presence of wild deer equitably. Common practice is now to incorporate these processes into a Deer Management Plan and increasingly these Plans acknowledge the public interest in deer management by reference to the Code of Practice for Deer Management. Some 30 DMGs now have Deer Management

Plans in place or in development and a number of their subgroups have Plans constructed at more local scale.

However achieving an equitable balance between economy, environment and people can be problematic at local level. Much has changed in the character of DMGs since they originally formed around sporting interests. Through changes of ownership or management a typical DMG is now likely to include among the management objectives of its members, deer stalking, grouse shooting and rough shooting, environmental change, farming and forestry. Tourism and recreational interests are also increasingly to the fore, as are renewables. In addition to private owners, an increasing number of estates are owned by charitable organisations and environmental NGOs, also by community bodies, as well as by Government bodies such as Scottish Natural Heritage and the Forestry Commission. ADMG acknowledges this expansion of ownership and management objectives and asserts the equal legitimacy of each. We also believe that a healthy mix of land management approaches is beneficial from a landscape and environmental viewpoint as well as sustaining the most jobs and economic opportunities.

A growing challenge for DMGs is the resolution of conflicts which arise where more diverse management objectives among their memberships require different levels of deer population and distribution. ADMG refers to this as “the 12:4 dilemma”. A typical population density for stalking purposes may be in the order of 12 per square kilometre. For tree regeneration purposes a substantially lower level of population, perhaps 4 deer per square kilometre is required. In an open range situation, regardless of overall numbers and densities, deer will seek shelter and feeding wherever it is available and in extreme weather conditions this is often likely to be in areas where the vegetation is most vulnerable to grazing, browsing and trampling. The protection of such habitats can often only be achieved by either near eradication of the deer population, to the detriment of neighbours, employment and communities, or by the erection of temporary protective fencing for a period of up to 30 years. In such situations a process of negotiation and compromise is essential and ADMG is called upon from time to time to act as mediator and is uniquely placed to carry out this role. To assist with this ADMG developed in 2012 six principles of collaboration, emphasising common interest and promoting compromise and mutual respect between neighbours. These principles are gathering endorsements from DMGs and other interests. A copy of the Principles is attached for reference.

A question which ADMG is currently addressing is what constitutes an effective DMG and how this can be evidenced. In broad terms we would include:

- Regular well attended meetings with representation of all land management interests and appropriate public agencies.
- An up to date and effective forward looking Deer Management Plan based on consensus between members.
- Reference to the ADMG Principles of Collaboration.
- A statement of commitment to the Code.
- A commitment to promote Best Practice to ensure deer welfare and public safety.

- Agreement as to Group practical actions including deer counts, habitat monitoring and cull setting and allocation.
- A commitment to Competence represented by DSC 1 and 2; also “trained hunter” for venison production.
- An external communications policy to ensure that relevant interests, particularly local interests, are kept regularly informed about deer management in the DMG area and have an opportunity to comment on, for example, the Deer Management Plan.

Most member DMGs either meet this standard or are actively working towards it and ADMG is working with SNH to develop a self assessment system to measure progress and demonstrate compliance.

At present DMGs are unable to access funding support for collaborative action such as the cost of a Deer Management Plan or habitat assessment training. Under SRDP which could assist in this regard, funding has not previously been available to joint or group applicants. ADMG in its submission to the Scottish Government review of SRDP has recommended that the replacement scheme should be open to group applicants.

Access to deer stalking

It is sometimes suggested that deer stalking is exclusive. Accompanied red deer stalking is available at a cost starting at around £200 per day for hind shooting and £400 for stags. Unaccompanied stalking is also available from some estates and from Forest Enterprise through the lease of sporting rights. A necessary condition for unaccompanied stalking is the holding of a Firearms Certificate and, usually, holding Deer Stalking Certificate level 2. There are also many opportunities for individual enthusiasts to secure access to stalking in the lowlands.

Looking ahead

The passing of the Wildlife & Natural Environment (Scotland) Act in 2011 heralded significant changes, as referred to above, and, in an age of de-regulation and cost saving, it was considered appropriate to test the voluntary basis of deer management, with the proviso that it should be kept under review. SNH was therefore tasked, not only with the preparation of the Code, but also to monitor progress under the Act and the Code. ADMG considers that the deer sector has acknowledged the challenge to demonstrate that “voluntary” (but constrained as noted above) deer management is fit for purpose and, taken as a whole, is making steady progress in implementing the Code at DMG level. This is evidenced by the number of DMGs and sub groups, a substantial majority, which are preparing or reviewing Deer Management Plans. The process of bringing deer management and environmental impacts together, as envisaged in the Code, is indicated by the number of DMGs implementing habitat assessments. DMG meetings are open to those with a direct interest in local deer management and ADMG is encouraging member groups to set up liaison arrangements with external interests, local community interests in particular. ADMG is therefore confident that, when progress under the Code comes to be reviewed by SNH, good and continuing progress will be demonstrable.

In conclusion:

- ADMG submits that it is premature to make a judgement as to whether the voluntary DMG based system of red deer management is fit for purpose or whether it is capable of delivering public as well as private interest benefits. WANE and the Code are new but are already leading to a more structured and collaborative approach to deer management. SNH is committed to a review within the next few years.
- It is also premature to conclude that deer impacts on the natural heritage are now generally unsustainable. Grazing pressures have been reduced in many areas and in exposed locations it will take some years for any habitat response to be assessed. Undergrazing can also give rise to concern if deer numbers are heavily reduced and/or sheep are removed potentially leading to bracken encroachment and loss of species rich grassland, not to mention increasing the risk of wildfire.
- It is acknowledged that some designated sites have yet to achieve stable or improving condition and require further effort but, as noted, 84% of designated site features are on a level or rising plane.
- We acknowledge the inherent conflicts which the requirement to balance economic, environmental and social objectives implies for the management of rural Scotland in general and for wild deer management in particular. We would maintain however that such conflicts would be no more easily resolved by additional regulation which would be unlikely to add value and would increase bureaucracy and cost.
- Deer stalking is an important economic activity particularly in remoter areas and supports out of season tourism. The 2005 PACEC consultancy study (to be repeated in 2014) assessed the value of deer stalking to the Scottish economy at £105m. However it is rarely a viable economic activity on its own account and in the case of many estates deer management is privately subsidised. Stalking also makes a social contribution in maintaining communities with few other employment options (PACEC over 2500 fte jobs). It remains to be seen whether these benefits can be maintained where deer numbers are heavily reduced with the objective of habitat change.
- Comparisons have been drawn between DMGs and District Salmon Fishery Boards (DSFBs) and, to the extent that both are intended to address the management of a shared resource in a defined area or catchment this is valid, although DSFBs are individually autonomous. It is of note that the cost of running Scottish DSFBs amounted to £4.15m in 2012 with a further £1.6m of public funds being invested in fishery restoration and improvement projects. If additional cost of this order were imposed on the deer sector this would be likely to reduce present levels of private investment and support in what is already a marginal economic activity largely carried out in our more remote and fragile areas.

ADMG Principles of Collaboration

We:

- acknowledge what we have in common - a shared commitment to a sustainable and economically viable Scottish countryside;
- make a commitment to work together to achieve and maintain that;
- accept that we have a diversity of management objectives and respect each other's objectives
- undertake to communicate openly with all relevant parties
- commit to negotiate and where necessary compromise in order to accommodate the reasonable land management requirements of neighbours
- where there are areas of disagreement we undertake to work together to resolve them.

Written submission from Lowland Deer Network Scotland

Deer and their management in the lowlands of Scotland differs in many respects from that in the Highlands, where Deer Management Groups are the norm. The deer themselves include all four species to be found in Scotland, roe, red, fallow and sika although roe predominate and are to be found throughout the lowlands, including in urban areas. Unlike red deer which are a herding species roe deer are territorial and form family groups and occupy a much smaller range than red deer. In the deer context however there is considerable overlap between lowland and highland populations with roe deer commonly present on moorland and hill and red deer on enclosed land, particularly in winter.

The pattern of land ownership in the lowlands is also much more diverse and complex. Highland land holdings on relatively unproductive land are typically measured in thousands of acres. Lowland units tend to be very much smaller and include farms large and small, woodlands and commercial forestry, industrial and brownfield sites, recreation areas such as golf courses, domestic properties and gardens, as well as public land. Equally deer managers are drawn from a broad range of different quarters and include farmers and foresters, game keepers, forest rangers and, importantly, a large number of recreational and vocational deer managers. These latter are mostly dedicated deer enthusiasts who undertake deer management to a high level of skill at local level for their own recreation or to provide a service to land managers. Whilst the Code of Practice on Deer Management places a responsibility on those who have deer on their land to manage them sustainably, in practice many land owners and occupiers only take an interest in deer when they are either causing damage (to crops or young trees), causing problems on the roads, or causing an increase in illegal activity such as poaching, coursing or animal cruelty.

Over the last decade or more agri-environment schemes and other projects such as the Central Scotland Green Network have created new habitats for deer, often in close proximity to centres of population. Indeed deer are increasingly found in the centre of towns and cities, occupying public parkland, graveyards and other green space but also private gardens. As a consequence of the extension of suitable

habitats lowland deer numbers, roe in particular are thought to be increasing, rapidly in some areas. Although roe deer are not counted nationally it is likely that they now at least equal red deer in number across Scotland. The reported national cull of roe deer, around 30,000, is considered to be substantially understated. The Forestry Commission reports that its roe cull is rising exponentially to keep pace with a burgeoning roe population and now exceeds the cull of red deer.

Managing deer in close proximity to people is very necessary but poses particular problems and requires specialist skills and some sensitivity. Many members of the public and indeed some local authorities oppose the culling of deer. A considerable number of committed individuals have developed the skills necessary to cull deer in urban areas and are now able to offer specialist training to others.

A small but growing number of Deer Management Groups (DMGs) exists in the lowlands. However these differ in character from upland DMGs. Such Groups generally represent only partial coverage of an area, operating only over ground where they have the permission of the proprietor. Their members tend to be deer managers rather than land owners as in the Highland DMGs. In some respects lowland DMGs are more akin to syndicates or hunting clubs than to the DMGs of the Highlands. Their members are brought together by a common interest in deer stalking, to share experience and, in some cases, resources such as deer larders. Some also make themselves available on a contractual basis.

Lowland deer management is arguably less well developed than in the Highlands at least in terms of comprehensive cover of land and cooperation between managers. The Lowland Deer Network Scotland (LDNS) was formed in 2011 to bring together the many different interests involved in lowland deer management with a view to promoting a culture of effective collaboration. This is intended to augment our capacity to manage a wild species which represents both benefits in terms of biodiversity and threats such as environmental damage to habitats, economic costs in respect of farm and forestry crops, and increasing risks to public safety, particularly due to road traffic accidents.

The general objective of LDNS is to anticipate and plan to manage deer impacts. The Network enjoys increasingly broad support and aims to offer leadership, particularly to those who may be new to the responsibility for deer management in terms of the Wildlife & Natural Environment Act 2011 (WANE) and the Code of Practice for Deer Management. In particular there is a job to be done in communicating this responsibility to the many farmers, foresters, businesses and developers. Local authorities also need help in building capacity for deer management on land in Council ownership and more generally over local authority areas. This is a hearts and minds exercise with an educational function and, at this early stage, progress can be said to be encouraging judging by the support from a broad range of deer management interests including existing specialist organisations such as the British Deer Society, British Association of Shooting and Conservation, Scottish Gamekeepers Association, Association of Deer Management Groups, National Farmers Union Scotland and Scottish Land and Estates; also the public bodies, Scottish Natural Heritage, Forestry Commission and Forest Enterprise, Transport Scotland and the local authorities. All these interests are represented on the LDNS Executive Committee which also has links with the Police and SSPCA.

The RACCE Committee enquiry relates to the impact of deer on the natural heritage and this is perhaps less of an issue in the lowlands so far. LDNS has not been made aware that damage by deer to designated low ground sites is a significant and widespread problem, or any more so than economic damage. However, without adequate deer management planning in newly planted areas such as the Central Belt rising deer numbers may result in this being more of an issue in future. As with the increase in recorded deer/vehicle collisions, the signs are that preventative measures are required and LDNS believes that a more coordinated and cooperative approach to deer management will increase capacity to protect environmental as well as economic interests and reduce risks to public safety. It will also help to develop new markets for venison from low ground deer where the supply is currently so fragmented as to be considered financially unviable by the major processors. LDNS is working with the Scottish Venison partnership on this.

If considering the premise that further regulation of deer management would be beneficial on environmental grounds, LDNS would pose certain questions, as follows:

1. **How would additional regulation assist in the management and control of lowland deer populations?** Deer management undertaken largely under the voluntary principle by private individuals or businesses operates within a framework of legislation and guidance which is summarised in detail in the submission of our sister organisation, the Association of Deer Management Groups (ADMG). With this framework it is difficult to argue that the deer sector in either highlands or lowlands is wholly unregulated or unaccountable and in our view further regulation would add little to existing effort. More bureaucracy and cost might indeed act as a deterrent as lowland deer management is reliant on a high level of unremunerated volunteer effort.
2. **Could a regulated approach to deer management be applicable throughout Scotland, regardless of circumstance and including highlands, lowlands and urban areas?** As noted above deer management in the lowlands differs markedly in many respects from highland deer management, although they overlap.
3. **If regulation were to be directed at the deer management group model how would it be applied where DMGs do not exist or are not the most suitable means of promoting collaborative deer management?** Our view is that in promoting higher standards and greater cooperation persuasion is likely to be more effective than regulation.
4. **Would the number of low ground landholdings where deer are present make a regulated approach impracticable?** Potentially deer are likely to be present on every low ground landholding regardless of size although many of these holdings undertake little or no deer management at present. This applies right down to domestic property level in some circumstances. If for example the statutory duty to manage deer according to the Code, which already applies to public bodies, were to be extended to all landholdings, administration and enforcement would be extremely difficult.

In summary LDNS would suggest that to overlay a regulatory system for deer management over such a diverse pattern of landholdings would be a considerable challenge in terms of both cost and enforcement. The question must be asked whether such a system is deliverable, affordable, and ultimately sustainable, particularly when a voluntary approach under the umbrella of LDNS, is beginning to tackle this issue at relatively little cost to the public purse.

Written submission by Professor Douglas C. MacMillan, Durrell Institute of Conservation and Ecology

An economic perspective on why we need DMGs under statute

Scotland boasts significant populations of red deer (*Cervus elaphus*), roe deer (*Capreolus capreolus*) and sika (*Cervus nippon*) as well as localised populations of fallow (*Dama dama*). Most recent estimates (after Ward, 2007; Putman 2010) suggest overall numbers at between 360,000-400,000 for red deer, 200,000-350,000 for roe deer, and around 30,000 for sika and fallow combined (Putnam, 2102).

These deer populations are higher than they have ever been in documented history and are still rising (Phillip et al 2010). Current regulations and policy initiatives based around the voluntary principle are failing to reduce numbers (MacMillan 2004) and negative impacts on the natural heritage and economic interests are increasing (Putnam 2012).

With changes in landownership and greater diversification of land management objectives it is also apparent that deer management is becoming an increasingly fractious issue that threatens harmonious relations within rural communities. Last autumn in Assynt, for example, a proposal from The John Muir Trust to cull more deer to combat excessive damage to regenerating native woods, invoked considerable hostility (Gibson, 2013).

The fundamental problem is well understood. The owners of more 'traditional' sporting estate are unwilling to reduce deer numbers because they perceive it as a threat to sporting quality, which they perceive to be best served by high deer densities (MacMillan et al 2010). In addition, most sporting estates are not concerned with maximising profits, hence normal policy levers such as economic incentives are unlikely to work (MacMillan and Phillip, 2010).

Given this context I would suggest that it is time to bring DMGs under statute and make the Code of Good Practice for Deer Management a legal entity. By so doing, landowners will be required to manage deer in accordance with a wider range of local and national benefits. In this submission I want to draw the Committee's attention to the significant economic and social benefits such a legal change would make.

Recent research suggests there is considerable unsatisfied demand for deer stalking in the UK, and I believe that new legislation which would require landowners to legally meet culling and management targets would generate very significant economic benefits to fragile remote rural areas. For example, a survey of BASC members found that sportsmen and women (who had not previously shot deer

before) would be willing to pay £10 to £800 per day for deer stalking in Scotland (MacMillan, 2004). Taking an average of £200 per day, it was estimated that demand might exceed 190 000 additional stalking days should landowners make such opportunities available.

Local economies would also benefit from an increase in visitor numbers with a cash injection of around £38 million in additional stalking revenue and a further £20-30 million per annum generated by additional expenditure in local rural businesses. Additional rural jobs would also be generated in the stalking, food processing and tourism sectors.

These estimates do not include the additional benefits arising from protecting the natural heritage, nor the reduced costs associated with deer impacts on the agricultural, forestry and horticultural sectors and reduce traffic accidents. The magnitude of the economic benefits will depend on how individual landowners decide to meet their cull targets. For example, if an estate used their own stalker then the economic benefits from visiting sportsmen/women would be less.

When considering new legislation it will be beneficial to offer the opportunity to meet their culling obligations flexibly. For example, by allowing estates that do not have the capacity to reduce deer numbers using their own resources to sell or transfer the shooting rights/obligations to a third party (MacMillan 2004). For example, this could be a local community group keen to encourage deer stalking as a local participatory activity or a shooting club anxious to have the opportunity to shoot deer as part of a coordinated management plan.

References

Gibson, R. 2013. *Deer Management Today – success in Badenoch and Harris*.

Why not Sutherland? <http://www.northern-times.co.uk/News/MSP-reignites-deer-cull-row-22082013.htm>

MacMillan, D.C and Phillip, S. 2010. *Can Economic Incentives Resolve Conservation Conflict: The Case of Wild Deer Management and Habitat Conservation in the Scottish Highlands?* *Human Ecology* 38 (4): 485-494

MacMillan, D. C., Leitch, K, Wightman, A. and Higgins, P. 2010. *The management and role of Highland sporting estates in the early 21st Century: the owner's view of a unique but contested form of land use.* *Scottish Geographical Journal* 126 (1); 24-40

MacMillan, D.C. 2004. *Tradeable Deer obligations – a cost-effective answer to too many deer?* *Journal of Environmental Management* 71(3): 261-270.

Phillip, S, Dandy, N, Gill, R. and MacMillan, D.C. 2009. *Is legislation a barrier to the sustainable management of game species? A case study of wild deer in Britain.* *Journal of Environmental Planning and Management* 52 (8):993-1012

Putman, R. (2012). *Scoping the economic benefits and costs of wild deer and their*

management in Scotland. Scottish Natural Heritage Commissioned Report No. 526.

Written submission from Reforesting Scotland

Introduction

It is now widely understood that Scotland was once a heavily wooded country and that bringing back a good amount of forest cover would have important social, economic and ecological benefits, as well as contributing significantly to Scotland's climate change targets. The largest single barrier to achieving this is overgrazing, primarily by red and roe deer. Creating new forests on overgrazed land is harder, slower and much more expensive than it is on properly grazed land and generally has poorer results.

The current mechanisms for reducing the number of deer to levels that are not damaging have failed, despite having had decades to prove that they can work. It is time to consider the example of other northern European countries with similar climates and ecologies that manage to maintain healthy deer populations and strong hunting traditions alongside high levels of forest cover that provide jobs, recreation and a host of ecological advantages.

The effects of deforestation

Deforestation does not simply remove the trees from the landscape: it causes a cascade of knock-on effects that lead to an ecosystem that is altogether poorer, less productive and less stable. The change in upland land management to large scale sport shooting and sheep grazing that started in 1750 exacerbates these effects considerably.

The loss of shelter from trees means that the remaining plants and animals suffer far more exposure. Stock and wild animals alike have to dedicate much more of their metabolism to simply keeping warm: it has been estimated that two extra degrees of wind chill in cattle leads to a requirement for five pounds worth of extra feed per animal per day. Where the ground vegetation is grazed by animals which crop it short – i.e. sheep or deer – it is generally kept so low that most plants are unable to flower and set seed, removing a valuable food source for invertebrates, small mammals and birds such as capercaillie and eventually leading to the loss of those plants.

In this way, deforestation and overgrazing result in a massive loss of biodiversity. This is shown by the enormous sporting bags of a wide range of species that were reported by the Highland estates during their first years of operation. The numbers recorded then simply do not exist now.

When woodland is removed in a country like Scotland with heavy rainfall, nutrients are leached out of the soil leading to soil acidification and podzolisation, Podzolisation occurs when iron is leached out of the upper soil horizons and is deposited lower down as iron oxide. The iron oxide can then form a hard iron 'pan' that plant roots cannot break through. The acidic soils, and shallow rooting depths, are suitable for heathy plant species, such as heather, that produce litter that

decomposes very slowly due to the high tannin content. This further acidifies the soil and, in very wet areas, leads to a build up of peat and yet further soil acidification.

On steep slopes, soil degradation, regular burning and continuous grazing lead to soil erosion. This, in turn, leads to faster silting up of lochs and reservoirs. Removal of woodland cover also means that water runs off more quickly, thus increasing the likelihood of floods at lower levels and increasing the drying out of soils during dry spells. Salmon spawning streams become too warm for young fish to survive due to the lack of shade. A lack of deciduous trees overhanging streams also means a lack of leaves falling in and providing nutrients for invertebrates and, ultimately, fish.

Continuous high levels of grazing by sheep and deer have also resulted in a spread of less nutritious grass species such as white bent (*Nardus stricta*) and purple moor grass (*Molinia caerulea*). Sheep and deer are selective grazers so they avoid these species, leading to their spread. Cattle, by contrast, are less selective and can keep these species in check. They also trample bracken and so can reduce its cover.

The impacts of herbivores and the consequent decline in the condition and extent of woodland, together with changes in land use and land management, has resulted in:

- nutrient losses from soils
- acidification of soils
- peat formation
- soil erosion and landslides
- silting up of lochs and reservoirs
- flooding
- drying out of soils
- lack of natural tree and shrub regeneration
- spread of rough grasses and bracken
- loss of salmon spawning grounds
- loss of shelter for deer and domestic stock
- loss of species richness and associated biodiversity

Benefits of a forested landscape

To understand what a difference could be made by restoring Scotland's forests, we need to look at similar countries which have not lost their forests. Norway is a good example as it shares Scotland's northern, Atlantic climate and mountainous terrain but has a different political and land-use history. Switzerland, Austria, Germany and many Eastern European countries also hold useful lessons.

Norway has thirty three percent forest cover in contrast to Scotland's eighteen percent, despite having a much larger area that is unsuitable for trees. The typical pattern is for valley bottoms to be farmed, with forests on the slopes, reaching up to the natural treeline. The forests are usually owned by the same people who farm the valleys and are often regarded as 'money in the bank' – a reserve that can be cashed in when circumstances require – compared to the annual income of farming. They are also grazed at sustainable levels, offering both fodder and shelter for livestock.

Norwegian homes are usually timber built and well insulated due to the ready availability of timber as a building material. Inside, they are also heated with wood, from simple wood stoves to high-tech pellet burners. Timber is also the basis for a wide range of value-added industries. Non-timber forest products are also valued, including fungi, fruits and foliage. These are harvested both commercially and for the simple enjoyment of it.

Forests offer many opportunities for recreation. They are more robust and more diverse than the open hill and can absorb far larger numbers of people out enjoying themselves without feeling crowded. A large number of studies have shown that outdoor recreation in natural environments contributes positively to mental health. In Norway even city dwellers generally have access to forests in the form of a hut, usually family-owned, that can be visited at weekends and during holidays. This 'physical escape' from working life has been contrasted with the 'chemical escape' that often takes its place in Scotland.

Hunting is a popular activity in forested countries across Europe, providing meat, recreation and deer control. It is an activity that is usually available to anyone who can meet the strict requirements of a hunting licence.

Meanwhile, the forests provide a wide range of ecological benefits and services. Tree roots go deep into the soil, bringing up and storing nutrients. Leaf fall builds soil and fertility. The more sheltered, fertile environment allows animals to grow larger and healthier, so open woods are more productive of both stock and game and support higher levels of biodiversity. Forests act as giant sponges, evening out water flows and preventing flash floods and erosion downstream when there is heavy rainfall. And simply by existing they store large amounts of carbon, both in the upper parts and below ground in extensive root systems.

Deer and reforestation

Since the change in the rural grant scheme that has seen headage payments for sheep replaced by area payments, sheep numbers have declined rapidly in Scotland, leaving deer, largely red and roe, as the major large grazing species. They have become the major ecological factor limiting the regeneration, expansion and sustainable management of woodland in almost all parts of Scotland. All of the natural predators on large herbivores (lynx, wolves and brown bears) were exterminated long ago from Scotland and are unable to return due to our island situation, so now winter mortality and shooting are the only controls on deer numbers.

There is no necessary conflict between deer and trees. Indeed deer are naturally forest animals and on the open hill they grow more slowly, reach a smaller size, breed less quickly and suffer more winter mortality than they do in their natural habitat. It is the current high numbers of deer that prevent reforestation.

Forests can be established in the presence of high deer numbers, but the process is much harder and more expensive and has more unintended side effects than when they are at sustainable levels. The resulting forests are also of lower quality.

To protect planted trees from deer, fences and tubes are used. Depending on the scale and location of the scheme, fencing typically accounts for half of the cost of a planting scheme for both restocking and new planting. Fences are not perfectly effective, so in areas of high deer pressure intensive shooting is generally required as well. Besides their cost, fences have a number of negative impacts. They are unsightly in the landscape and constrain the shapes of woodlands to ugly, geometric shapes. They kill capercaillie which collide with them. And they create poor habitat on both sides of the fence: overgrazed on the outside and undergrazed on the inside. Undergrazed vegetation grows very rank and long and lower-growing plants are often lost at this stage.

In smaller schemes, tree tubes are used instead of fencing to protect trees from roe deer. Planting a tree in a tube costs around eight times what planting one without does. Trees grown in tubes are less stable than ones grown without and often blow over. More maintenance is required and the tubes are often left to litter the area. In the absence of deer, shorter tubes may still be required to protect from rabbits in some areas, but these are cheaper and do not destabilise the tree in the same way. It is practically impossible to protect trees from red deer using tubes as the tube has to be so high that none of the trees planted in them are stable.

Deer are a major factor in driving foresters towards over-reliance on Sitka spruce, which is sufficiently prickly that deer avoid it if there are alternatives available. It is common to see planting schemes with mixed broadleaves planted around Sitka spruce where the spruce have got away but the broadleaves have failed or remain as stunted wrecks barely out of the tree tubes. While Sitka spruce has an important place in timber production, over-reliance on it does nothing for biodiversity as it acidifies the soil and shades out ground vegetation. Recent problems with tree diseases have shown the dangers of relying too heavily on just one species, but other timber species such as larch, pine and Douglas fir are also susceptible to deer browsing.

Even where forests can be established it is usually impractical to keep deer out in the longer term. The impact of deer within forests is especially high in the many areas of the Scottish uplands where there is very little woodland. In winter, deer from large areas of open hill will all take shelter in these small areas of woodland causing intense browsing pressure. This has a large impact, not only on young trees, but also on the ground vegetation, eliminating preferred herb species and creating woodland with no shrub understory.

By contrast, heavy culling at an estate level is sufficient to reduce deer numbers to levels where tree regeneration can take place over large areas and without fencing, as has been demonstrated at Glen Feshie, Creag Meagaidh, Abernethy and Carrifran in the Southern Uplands.

Deer management

The problems of overgrazing were recognised as long ago as 1872, when the first of a series of government inquiries into the matter was undertaken. In 1959 The Deer (Scotland) Act was finally introduced, requiring land owners to take account of damage to agriculture and forestry. The control regime since then has been a failure

by any standards. Red deer numbers have increased in the Scottish uplands from around 150,000 in the 1960s to 450,000 currently. Roe numbers are harder to estimate but have certainly increased by a comparable amount.

As well as the problems caused for reforestation, these high numbers are also associated with high densities of ticks and increased incidence of Lyme disease (and potentially other tick-borne diseases that are currently in mainland Europe but may cross to the UK in future). Deer at their current high densities are also responsible for large numbers of road traffic accidents.

Red deer numbers are currently managed by Deer Management Groups (DMGs), one for each major population of red deer in Scotland. They are voluntary associations of landowners whose estates overlap with the range of the population. Roe deer are mostly unmanaged, except for short periods and usually in conjunction with fencing when a land owner is trying to establish trees. Very few lowland land owners have the ability to manage roe deer numbers over as wide an area as would be required to make a significant difference.

It is worth looking at how deer are managed in parts of Europe that have been successful in maintaining both deer and forests. In Germany, hunting rights are licensed out. Landowners with over 500 ha control the licences on their own land; otherwise all the landowners in a municipality are integrated into an association who may use their right for themselves or lease it. Leases usually go for between twenty five and two hundred and fifty euros per hectare per year. Crucially, licencees get both a right and a responsibility. They may shoot the deer but they are also liable to compensate farmers and foresters whose crops are damaged by 'their' deer. There are stringent exams for those who wish to hold a hunting licence to ensure that it is carried out in a skilled way with due regard to safety and animal welfare. Similar systems are the norm across much of Europe.

This contrasts with the Scottish system, where landowners have rights without responsibilities. Landowners have the sole right to take deer on their own land, which on large enough estates makes them the effective owners of the deer. However, the deer are classed as wild animals which means that they belong to no-one and no-one can be held responsible for either the ecological or the financial damage that they do. DMGs often recognise the de facto ownership of deer by estates, with some landowners complaining about neighbours taking too many of 'their' deer. Thus the DMGs often operate to keep deer at unsustainable levels rather than to keep them within the carrying capacity of the land.

There is a fear amongst the owners of sporting estates that reducing the number of deer per hectare on their land would reduce their income from stalking, based on the belief that, for a sporting estate to function, red deer numbers must be such that minimal effort is needed to find and shoot a stag. Thus they often argue in DMGs for higher rather than lower numbers. The emphasis on stag shooting adds to the problem because one stag can breed with a large number of hinds, so shooting stags makes no difference to overall numbers.

We believe that this fear is unfounded, as demonstrated by the experience of Glenfeshie Estate, which has drastically reduced numbers but is still able to charge

exactly the same for a day's shooting. This should not be surprising as sport estates are in the business of selling an experience and a lifestyle, not simply selling deer, which any deer farm could do. With a change of marketing to emphasise the stalking experience and the venison rather than the trophy, there is no reason that hunting estates should not be as profitable as ever. In any case, stags kept at agricultural densities on the open hill are half the size of their European counterparts, making pretty poor trophies.

A related issue is that Highland shooting estates are often valued according to the number of stags that they support (amongst other things), creating a perverse incentive for higher numbers. However, as Glenfeshie again shows, the sporting income that can be raised from an estate is a more reliable indicator of its value than the number of deer that can be farmed on it. With a sustainable management regime in place the land valuation system would surely adjust accordingly.

We believe that the European model should be investigated for application to Scotland for roe deer and, if the current system is incapable of reforming itself to be fit for purpose, we should consider how it might be adapted for red deer management too.

Recommendations

- Manage public land, such as that owned by the Crown Estates, in a way that will restore them to ecological health. This will entail heavy culling of deer, encouragement of natural tree regeneration and probably also tree planting. In time, this will allow the outputs from the land be diversified and community involvement in land management to be increased.
- Provide support to land owners who are trying to bring deer numbers down in the face of opposition from neighbours.
- Require SNH to set, and enforce, regional deer culls to achieve deer densities that allows tree to regenerate without fences in most locations (around 5 deer /km² or lower).
- Require all deer managers to collect, and return to SNH every year, information on deer numbers counted and the ratio of calves to hinds counted, as well as the number, weight and age (calf, yearling, adult) of all shot deer. This information is essential for the effective management of any deer population.
- Remove the closed season for male deer and reduce the length of the closed season for females.
- Document case studies where deer numbers have been brought down and woodland regenerated.
- Encourage the setting up of demonstration sites to show the benefits of reducing deer densities and increasing woodland and scrub cover (Arisaig estate is one example). Arrange, perhaps with Scottish Land and Estates, visits to such sites for land owners and managers.

- Engage with the British Association for Shooting and Conservation about ways of training more stalkers and encouraging more shooting for venison rather than for trophies. Note, however, that shooting organizations can have a vested interest in maintaining high deer densities.
- Work to find ways of making venison more available in Scotland. Scottish wild venison is a lean, chemical free, free-range and healthy meat that is in abundance in Scotland and yet it is seldom sold in local butchers or supermarkets. The smaller supermarkets, such as Waitrose, and local butchers that try to support “home-grown and local” would be worth targeting. The supply of Scottish venison is often seasonal from any one source. However, with out-of-season shooting, it should be possible to source venison at all times of the year. It might need to come from a variety of locations and be of a number of different deer species (principally red, roe, sika). Making venison more available, largely from local butchers, would make it easier for small game dealers to make a living selling locally. Government assistance should be provided to small venison producers to help with meeting hygiene regulations and with marketing. The market for venison does not drive most of the red deer cull (although it affects some of it), but it could have a big impact on the number of roe and sika deer culled in particular on farms and in commercial forests.
- Investigate the European model of licensing with a view to implementing it in Scotland for roe deer and, if the current system is incapable of reforming itself to be fit for purpose, consider how it might be adapted for red deer too.

Written submission from the Scottish Gamekeepers Association

Voluntary Deer Management versus Statutory Deer Management in Scotland

Deer, in many areas of Scotland, are intrinsically linked with the health and wellbeing, or otherwise, of rural communities. The provision of jobs and opportunities and the ability to keep young people in an area is often dependent upon the ability, or otherwise, of the land to provide sporting stalking to clients from outwith the area. If the country sport product on offer is considered good, it brings visitors to remote and fragmented regions that would otherwise have no reason to visit. It helps sustain employment and business for tourism providers. It brings much-needed spend, supports vital land and habitat management- which would otherwise have to be met by the public purse- and it sustains gamekeeping/stalking jobs. It helps to ensure that rural Scotland’s straths and glens are habited, avoiding the prospect of migration or ‘empty glens’. This is all widely accepted to be in the public interest.

Removing deer management from the voluntary sector and making it statutory presupposes that the best people to meet and understand the needs of local communities in rural areas are not the communities themselves but government. It also presupposes that those with the requisite skills to manage the land and its deer properly are not the skilled working people native to that land area but appointees by central government.

Under the voluntary system, local people with varying interests, meet discuss and agree cull targets which best befit the needs of the landscape and the welfare of the herd, balanced by the needs of the people who live and work in these communities. It is, in many senses, a good example of working local democracy which gives due consideration to the idea that enterprising communities can identify solutions for themselves. If there is land which carries with it particular designations, this, too, is accounted for adequately in the voluntary system and in the setting of agreed cull figures. Should one party decide not to engage with the process, as has been seen in Assynt, SNH holds the power to intervene where there are conflicts, providing a statutory check and balance at a level most people would agree is fitting rather than being bureaucratic or over-bearing.

Socio-economic needs of communities are, in our view, best served by a voluntary deer management system rather than a statutory one. Without proper input into a statutory system, local communities are more likely to feel that their ability to have a balancing say over their futures has been removed. This is likely to lead to a lack of trust or resentment of the process, particularly when sophisticated lobbying organisations, who may not have the same community or socio-economic conscience, will be deemed to have been given privileged power of leverage compared to the local people of the region. This idea, therefore, is likely to be unpopular and meet resistance. It is probable that working people will view it as a central attack on their way of life. From speaking to many people in the profession, we understand this already to be the case. One contemporary comparable would be the situation in Raasay when stalking rights were removed from the island crofters, only for them later to be reinstated. While we understand 'popularity' is not a significant enough reason alone upon which to base a decision, the feelings of communities should nevertheless be noted.

Bringing deer management under statutory control will lead to the loss of vital employment for trained local stalkers. It may also lead to more people turning away from the land to find opportunities.

In 2006 the Association of Deer Management Groups commissioned a survey titled The Contribution of Deer management to the Scottish Economy. It was carried out by public and Corporate Economic Consultants (PACE) and the key findings were that the total cost of all deer management in Scotland amounted to £105 million in 2005, with two thirds of this spend retained in Scotland. The other key finding was that deer management in Scotland supported the equivalent of 2520 paid full time jobs. The value of this employment to the Scottish economy was placed at £70.4 million.

Moving to a statutory system of deer management will make it much more likely that contractors will be enlisted to undertake culls rather than trained local stalkers. This is already happening on land operated by Forestry Commission Scotland, a governmental body. Previously, FCS accommodated full-time stalking positions, which sustained local employment. Stalkers, conversant with the land area and its topography, were able to balance their employer's need to protect conifer plantations with the health of the herd, local ecosystems and socio-economics. They played an active role in voluntary deer management groups and decision making as engaged partners.

Now it is much more the norm for FCS to employ one-off contractors on a single project, pay-per-kill basis. This contractual arrangement places the monetary value of the kill to the contracted stalker above any interest for socio economics or, in some cases, deer welfare. This is a working example of how disengaging people from the voluntary process acts against the public interest.

On the wider issue of jobs, private estate owners are much more likely to withdraw their investment or move it elsewhere if they deem that they have lost any balancing say in local deer culls. Given that estates in Scotland spend, on average, £43 000 a year on non-shooting related habitat management, the potential loss of that management per land mass would be very difficult or impossible for central government to replace and would place a significant burden on SNH. Gamekeepers and stalkers will inevitably lose their jobs if the land is turned over for alternative use.

The Bigger Picture

Removing deer management from the voluntary sector and placing it in the hands of government increases the opportunities for powerful lobbying organisations to unnaturally influence national deer policy at the expense of community interest because it removes the balance of local input.

Given the current context, we consider it highly unlikely that the smaller voice will be afforded the same hearing in Holyrood as the more politically sophisticated lobbying groups.

Taking the points, illustrated below, into consideration, we do not feel rural communities or jobs will be served well by a statutory deer management system.

Overview

It is accepted that most environmental groups in Scotland desire to introduce unfenced natural regeneration of hardwoods onto Scotland's hills and heather moorland. There is inadequate consideration given to the impacts of this large scale afforestation on employment, rural communities or Scotland's wildlife. This is further exacerbated as the Scottish government advances its national forestry strategy of having 25 per cent of Scotland's land mass under forestry cover by 2050 (one third of Scotland's land mass, if you exclude permanent pasture and arable land).

As the Scottish government has made no stipulation that fences should be used in areas where there is to be large scale conifer introduction or regeneration (fences which could facilitate the compromise of allowing trees to grow while preserving stalking opportunities and jobs), it can only be assumed that the red deer population of Scotland, in many rural areas, will suffer under a statutory system where there is less community input and balance. As a direct result, rural communities will suffer, leading to loss of employment and, in the worst cases, migration of people to find opportunities elsewhere. One contemporary example is Dalwhinnie. For many years, Dalwhinnie Primary school remained open because the roll call was made up entirely of the children of local gamekeepers. Once those children were past primary schooling age, the local school was closed. The community of Dalwhinnie has suffered as it does not have the lifeblood recruitment of future generations.

The Mammal Survey 2011 clearly states that: for the success of an unfenced regeneration scheme, a reduction in deer density to below 5 deer per 100 hectare is required.

Removing a resident deer population creates a vacuum, known in the deer industry as 'the sump affect', and, unless the land is fenced, deer will continually filter back in and take up residency.

Before these schemes are up and past the danger stage, they require a round- the- clock culling policy, 7 days per week. Tree establishment may take anything upwards of 50 years or over, during which time, whether in, or out of season, and with no regards for the sex of the animal, deer entering these schemes are shot on sight.

This ongoing slaughter of red deer, in some areas, has had a major impact on red deer numbers, particularly mature stags, and has resulted in some estates having to significantly reduce their sporting cull. This is already affecting local employment.

Between 2005 and 2011, Scotland's sporting red deer cull fell by 13,000. Highland Game and Yorkshire Game are importing the equivalent of more than 25,000 carcasses per annum from New Zealand & Poland with other game dealers importing Spanish venison to meet UK demand.

Forestry is a major employer in its own right and its contribution to the Scottish economy is considerable, which is noted. However, forestry alone will not create the employment, or the income essential for the many small, fragmented rural communities scattered throughout the Highlands to survive.

Should the deer management system become statutory in Scotland, this is the only vision we can foresee for Scotland's rural communities, the fortunes of which are intrinsically linked with its red deer population.

*Collaborative working which the SGA has been central to, under the current voluntary deer management system.

Contributor to Scotland's Wild Deer: A National Approach.

Wild Deer Best Practice Guidelines

The Deer Code, Wildlife and Natural Environment (Scotland) Bill

Written submission from Scottish Land & Estates

Executive Summary

The key points of our submission are:-

- The current approach is working. The deer management industry is engaged, well-established and continually evolving. It demonstrates high standards of best practice and is aligned with the objective of delivering sustainable deer management in Scotland.

- Scottish Land & Estates questions the value of Committee time again being taken up with an issue which has so recently been the subject of our full democratic parliamentary process.
- Deer management sits within the wider context of wildlife management in Scotland. Scotland's rural estates, through the Wildlife Estates Scotland initiative, are demonstrating how they deliver in the wider public interest.
- Sustainable Deer Management requires a balance of economic, environmental and social objectives. The deer industry aims to find an appropriate balance. We question that those who advocate change have a similarly balanced view.
- Public and private interests are closely aligned with regard to deer management.
- The current delivery of the public interest through private sector activity represents good value for money.
- Private stalking interests invest substantially in remote rural areas, contributing to the viability of local employment and facilities and therefore retaining their viability.

Introduction

Scottish Land & Estates welcomes the opportunity to provide evidence on the impact of deer on Scotland's natural heritage to the Rural Affairs, Climate Change and Environment (RACCE) Committee. This written submission provides the RACCE Committee with information for consideration in advance of the oral evidence sessions on 13 and 20 November.

Scottish Land & Estates represents land owners, managers and rural businesses across Scotland with wide ranging interests including agriculture, forestry, conservation, wildlife management and tourism. As such this review is of considerable relevance to us.

Scottish Land & Estates understands that the Committee is keen to establish whether the existing approach to deer management in Scotland is working effectively, whether there are problems and what changes may need to be made. We believe the review has been brought about by concerns by some parties that deer numbers in Scotland are too high and that the current approach is not delivering sustainable deer management. This, it is suggested, is because of the competing interests of those that manage deer.

The issue of deer management in Scotland was extensively debated by the Scottish Parliament during the passage of the Wildlife and Natural Environment (WANE) Act 2011 and again during the production of the Code of Practice on Deer Management (2012). Scottish Land & Estates questions the value of Committee time again being taken up with an issue which has so recently been the subject of our full democratic parliamentary process.

Scottish Land & Estates has read and fully endorses all the points made by the Association of Deer Management Groups and the Lowland Deer Network. In making

our submission to the RACCE Committee we have endeavoured not to repeat the same points made by these other organisations.

The current approach

All aspects of deer management practice were extensively debated by the Scottish Parliament during the passage of the WANE Act three years ago. The Act needs time to bed down and take effect before meaningful evaluation of its effectiveness can take place.

The industry has for many years now worked constructively with Scottish Natural Heritage (SNH) and its predecessor, the Deer Commission for Scotland (DCS). In conjunction with DCS/SNH, the industry has developed a comprehensive suite of 80 best practice guides over the last ten years and it is supportive of the joint agencies national policy approach, entitled "Scotland's Wild Deer". More recently SNH's Code of Practice on Deer Management, which was widely consulted on following the introduction of the Wildlife and Natural Environment Act (WANE), has been well received by Scotland's stalking estates and is widely adhered to by them. Going forward, the Association of Deer Management Groups is also working on a set of principles for Deer Management Groups which has been set out in their submission to the Committee.

The sector is also not without regulation. It has been subject to legislation for some considerable time through the Deer Acts, the Deer (Scotland) Act 1996 and now the WANE Act. SNH has for some time had the ability through legislation to intervene to protect designated sites, and the introduction in the WANE Act of the Code of Practice on Deer Management adds weight in terms of expected standards.

The deer management industry is therefore an engaged, well established and continually evolving sector that is keen to demonstrate high standards and best practice.

Wildlife Estates Scotland

Not only is the deer management sector engaged and evolving, but so is the landowning and managing community more generally. In response to members' desire to be able to demonstrate the wider benefits which their land management activity contributes to society, Scottish Land & Estates set up the Wildlife Estates Scotland (WES) accreditation programme. WES has been developed in conjunction with a range of stakeholders including SNH, Cairngorms National Park Authority, the Game and Wildlife Conservation Trust and RSPB Scotland. It is supported by the Scottish Government and is independently accredited.

For estates to become fully accredited requires adherence to a range of Codes of Practice including the Deer Management Code of Practice among many others, to have game and wildlife management plans in place, to record species and habitat information, to have conservation projects in place, to be integrated with other land management activity such as agriculture, forestry and tourism and to demonstrate other cultural and social aspects linked to employment, local community, built

heritage and so on. Accreditation is by no means easy to achieve, but Estates have been willing to engage in the process because it demonstrates a clear commitment on their behalf to managing land sustainability, for the long term and in the wider interest. This is something that they are keen to show is an integral part of their management.

There are two levels to WES accreditation, with level 2 requiring to be achieved for full accreditation. Level 1 is a commitment from the Estate to abide by a set of overarching principles and is a precursor to developing a full application for Level 2 accreditation. Level 2 accreditation opened earlier this year and so far 10 estates have achieved this standard with a further 250 estates at Level 1 with a view to progressing to Level 2.

Finding a balance between competing interests

It is widely accepted that deer numbers need to be kept in check for welfare reasons and to keep deer in balance with other environmental considerations. Deer also have an economic value in terms of wildlife and country sports tourism, venison sales and local rural employment. In remote rural areas this activity can be a major contributor to retaining the social fabric of the community, keeping people in the area and injecting cash which helps ensure local services and facilities remain viable.

Some balance needs to be found between environmental, economic and social objectives. Deer management groups aim, through a process of inclusive discussion and negotiation to find that balance. Because of their local nature, deer management groups also allow for flexibility and adjustment to reflect local situations and needs.

Scottish Land & Estates is concerned that the current call for a full statutory approach to deer management comes from those who place perceived environmental considerations above social and economic factors rather than looking at all three on an equal footing. It is assumed however that a statutory system would need to take these factors into account equally if it was to sit in line with the current “Code of Practice on Deer Management” which states that “*Sustainable Deer Management is about managing deer to achieve the best combination of benefits for the economy, environment, people and communities for now and for future generations.*” We would question therefore whether a statutory system would even deliver what those that advocate it want. On the assumption that deer management would continue to be in accordance with the Code of Practice, it is more likely that it would simply reach a similar level of deer control as happens currently, but will achieve this by applying a top-down approach rather than the current grassroots, inclusive approach. As such it would be likely to be less locally responsive, would remove decision-making from those closest to the issues and thereby risk removing a sense of ownership and commitment to deer management plans by those delivering them.

We would further point out that deer numbers do not necessarily equate directly with grazing impacts. Herbivore numbers in the form of feral horses and goats, domestic cattle and sheep and wild deer and hares were more numerous in previous

centuries. More recently there has been a decline in sheep numbers in the uplands with a drop of over 1 million sheep in the Highlands over the last 10 years. The reduction in grazing has led in some areas to an increase in rank vegetation and fuel loads increasing the risk and intensity of wildfires, which is likely to be more damaging to upland habitats than perceived overgrazing.

The Public Interest and the Private Interest

It is suggested by those who advocate change that the current system of deer management in Scotland does not serve the public interest and instead is dominated by those who have only a private interest which predicates a need to keep deer numbers high.

This view is a simplistic one which sees the public interest only being served by much reduced deer numbers and the private interest as only relating to the capital values of stalking estates. Scottish Land & Estates would suggest that the public interest includes:-

- Keeping deer numbers in balance with the natural environment,
- Ensuring as far as possible the public are not put at risk by deer on roads,
- Maximising the tourism potential of deer – Red Deer bring one of Scotland’s “Big 5” iconic species,
- Ensuring provision of employment opportunities in remote and fragile areas,
- Ensuring deer management provides value for money for the public purse.

And that private interests include:-

- Keeping deer numbers in balance with other estate activity which can include forestry, agricultural, sporting and conservation interests,
- Generating economic activity to help keep estates viable,
- Retaining local viability of communities which are essential to underpin estate operations.

These interests are not in any way polar opposites, with both sets of interests requiring a balancing between the damaging impacts of too many deer while still achieving a viable population for a range of economic and social benefits. A balanced deer management plan should therefore deliver in both the public and private interest as most currently do.

It is also worth bearing in mind that few stalking operations generate profit for estate owners and in many cases it is an activity that is subsidised by the owner. Since public benefits accrue from stalking, this must undoubtedly be beneficial to the public purse.

Inward Investment

Indeed more than just subsidising stalking operations, many owners invest heavily in their estates often more so than would be justified if they were driven purely by

financial considerations. This represents considerable inward investment to Scotland's rural areas, creating employment, work for local contractors and in turn income for local facilities and services.

The economic impact of deer stalking was estimated in 2005 as in the region of £105 million (PACEC report)¹ with two-thirds of this being retained in Scotland. Deer management was estimated in 2005 to support the equivalent of 2,520 full time jobs in Scotland. Many of these jobs are in our more remote and economically fragile rural areas. The recent decline in red deer culls reflect a decline in red deer numbers in some areas which in turn adversely impacts on the economic contribution of wild deer to our rural economy.

Red deer stalking attracts relatively high spending visitors who come outside the peak tourist seasons. These visitors are willing to come to our more remote areas where employment and other economic activities are scarce. Deer stalking and field sports more generally attract investment into our rural economy. The investment made is often considerably more than could be justified by the economic return on deer stalking and shooting as an activity. In areas such as much of the Highlands where hill livestock farming is in decline, deer stalking becomes relatively more important to the local rural economy.

Conclusion

In conclusion, we ask the RACCE Committee to consider that a prescriptive statutory system for deer management in Scotland is unnecessary. The existing approach to deer management is based on voluntary principles but with robust statutory backstops which have been strengthened by the WANE Act and the introduction of the Code of Practice.

There have always been and will continue to be tensions within the deer management and conservation sector surrounding sustainability issues. There are also political factors which add to the tensions such as land reform. However, deer management has undergone in-depth parliamentary scrutiny, specifically by this Committee, during the passage of the 2011 Act and its subsequent implementation. We believe the new arrangement must be given an opportunity to bed down.

References

1. PACEC, 2006, "*Shooting Sports: Findings on an economic and environmental survey*"
www.shootingfacts.co.uk/pdf/pacec_glossy1.pdf