

Scottish Wildlife Trust Briefing



Land Reform Bill Stage 1 debate

The Scottish Wildlife Trust has provided this briefing to inform the Land Reform Bill Stage 1 debate. We welcome the scrutiny during Stage 1 that has been given to the Land Reform Bill by the Rural Affairs, Climate Change and Environment Committee (RACCE) and the RACCE Stage 1 Report. This briefing mainly focusses on two aspects of the Bill, namely the Land Rights and Responsibilities Statement and deer management, because they are very closely linked to protecting and enhancing Scotland's biodiversity, ecosystems and ecosystem health. Other concerns that we have regarding the Bill are covered by our written evidence to RACCE at Stage 1¹ and by Scottish Environment LINK's response.

The Trust's position on Land Reform is considered in the context of achieving positive outcomes to sustain and enhance Scotland's natural capital², and to benefit both wildlife and the people of Scotland.

The Trust is primarily concerned with *how* land is used and managed to maximise public benefits such as biodiversity, carbon sequestration, improved water and air quality, and flood prevention, as opposed to who owns the land per se. However, the Trust is of the opinion that the historic pattern of land ownership in Scotland has often tended to encourage monocultural patterns of land use which have focused on management for one or very few private benefits, sometimes to the detriment of the public benefits. Indeed, large scale land management practices common on many (but by no means all) of the larger estates are amongst the main drivers of biodiversity loss in upland Scotland.^{3,4,5,6,7}

Part 1 – Land rights and responsibilities statement (LRRS)

In the Trust's evidence to RACCE we stated that land ownership and usage are inextricably linked to responsibilities and because of this there should be a strong connection between the Land Use Strategy (LUS) and the proposed LRRS.

The Scottish Government has already set out the principles that should govern land use choices in the LUS and the Trust believes the principles set out in the LUS and LRRS should be applied by all landowners and managers. Furthermore, all those with land rights should be working towards achieving the LUS vision of:

A Scotland where we fully recognise understand and value the importance of our land resources, and where our plans and decisions about land use deliver improved and enduring benefits, enhancing the wellbeing of our nation.

The Trust's views on the importance in Land Reform of how land is used accords with the Stage 1 Report and we welcomes RACCE's recommendation that the final LRRS should take account of the impacts on biodiversity and climate change and link to relevant high level policy documents such as the Scottish Government's National Performance Framework and the Land Use Strategy (paragraph 137).

The Trust also supports Scottish Environment's LINK's position which was included in our evidence: that it is important that the LRRS should be specifically legislatively linked to the statutory LUS. And that the Bill might be amended to ensure that the statement and the strategy are reviewed and consulted upon at the same time within the proposed five year cycle.

It would be helpful to further clarify the Scottish Government's view on how the LRRS links to the LUS and how the five year review of both will measure progress towards: *land delivering greater public benefits.*⁸

The Trust also support RACCE's recommendation that the draft LRRS, which the Scottish Government has confirmed will be subject to a full and wide consultation process, should be debated and approved in Parliament and that the Bill should be amended at Stage 2 to ensure that such debate and approval is required (paragraph 136).

The Trust would welcome the opportunity to be part of the LRRS consultation process.

Part 2 – The Scottish Land Commission

With regard to the role of the Land Commission, the Trust support RACCE's recommendation (paragraph 150) that the Commission's work must be set within the context of the LUS. The Trust agrees with RACCE that the issues of land ownership, land management and land use are not separated but must be considered together.

(For further comment on this Section of the Bill see SE LINK's briefing for Stage 1 debate.)

Part 8 – Deer management

The Trust is of the view that whilst light grazing by wild deer is generally beneficial to natural heritage, uncontrolled and excessive grazing by deer is currently one of the most significant threats to the health, natural functioning and connectivity of ecosystems in Scotland, particularly in parts of the uplands. Land owners who encourage or maintain high deer densities for private interests alone, beyond which the environment can support, cannot deliver the public interest.

The Trust supports deer management measures and a deer management system that aims to stabilise deer numbers at ecologically acceptable and sustainable levels; local deer densities would have to be well below current levels in many areas.⁹

The Trust believes that the lack of progress towards sustainable deer management under the present voluntary system puts at risk Scottish Government ambitions regarding climate change adaptation and mitigation, peatland restoration, the 2020 Biodiversity Strategy and woodland expansion targets.

The Trust's concerns regarding the current voluntary system of deer management appear to be shared by RACCE. The Stage 1 Report states that RACCE is unconvinced that the changes required [in deer management] are likely to be delivered in the next 12 months and that consideration must be given to strengthening the approach taken in the Bill to ensure that no further time is wasted, and damage caused, by the lack of, or by ineffective, deer management.

The Trust welcomes RACCE's recommendations regarding strengthening the deer management system, which are additional to the provision already proposed in Section 8 of the Bill, namely: enabling Scottish Natural Heritage (SNH) to set cull targets for each Deer Management Group area; requiring landowners to apply to SNH for a licence to cull deer; enabling SNH to, in certain circumstances, take over culling responsibility; and for SNH to have powers to amend plans and lead on drafting a plan where no satisfactory plan has been agreed.

If the Scottish Government's ambitions regarding the 2020 Biodiversity Strategy and other public interest policies are to be realised, deer management needs to move from being process focussed to delivering actions on the ground. For this reason the Trust is of the opinion that changes are required now and we agree with the Land Reform Review Groups recommendations that:

The Group considers that the Scottish Government should be examining potential improvements to the statutory arrangements governing the management of wild deer in Scotland now, rather than waiting to the end of 2016. The Group considers changes are required independent of the degree to which the performance of DMGs improves in the coming years.

Bringing in the provisions with immediate effect will not have a negative impact on those deer management groups who have plans in place/ are acting on plans/or are working towards a plan to deliver the public interest. It will only impact on those groups - such as those identified in the SNH report - who have been reluctant to draw up plans and/or those deer management groups who are not acting on the plan to deliver the public interest.

¹ http://scottishwildlifetrust.org.uk/docs/002_433__lr_swt_aug_2015final_1439479822.pdf

² Natural capital is the stock of natural assets which includes geology, soil, air, water and biodiversity. It is from this natural capital that humans derive a wide range of services, often called ecosystem services, which makes human life possible.

³ Brown et al (2014). The Effects of Moorland Burning on the Ecohydrology of River basins. Key findings from the EMBER project. Leeds University

⁴ Forestry Commission Scotland (2014). Scotland Native Woodlands – Results from the Native Woodland Survey of Scotland. Written by Gordon Patterson, Derek Nelson, Patrick Robertson and John Tullis

⁵ Tucker G. (2003). *Review of the impacts of heather and grassland burning in the uplands on soils, hydrology and biodiversity*. English Nature Research Report No 550. Peterborough: English Nature

⁶ Glaves et al (2013). Natural England Review of Upland Evidence 2012 - The effects of managed burning on upland peatland biodiversity, carbon and water. Natural England Evidence Review, Number 004

⁷ LINK Deer Task Force evidence to the RACCE Committee of the Scottish Parliament Deer and Natural Heritage Impacts

⁸ A policy objective of the Land Reform Bill as stated in the Land Reform (Scotland) Bill policy memorandum

⁹ For further information on the Trust's wild deer policy and impacts of high deer densities on natural heritage see:

http://scottishwildlifetrust.org.uk/docs/002_057_publications_policies_Wild_Deer_policy_August_2012_1346425925.pdf