

Scottish Wildlife Trust Briefing



Land Reform Bill Stage 3 debate

The Scottish Wildlife Trust has provided this briefing to inform the Land Reform Bill Stage 3 debate. This briefing focusses on one aspect of the Bill, namely deer management, because it is very closely linked to protecting and enhancing Scotland's biodiversity, ecosystems and ecosystem health.

The Trust's position on Land Reform is considered in the context of achieving positive outcomes to sustain and enhance Scotland's natural capital¹, and to benefit both wildlife and the people of Scotland.

Achieving sustainable deer management

The Scottish Wildlife Trust wholeheartedly supports the additional measures in the Land Reform Bill regarding strengthening deer management provisions. The voluntary system has been given every chance to work to address 'the deer problem' to deliver sustainable deer management, but unfortunately time and again it has failed in this regard and it is the land - which should be *an asset that benefits the many* - that has suffered.

For too long, many areas of Scotland have been overrun by high deer numbers - in excess of that which the environment can support. This has led to environmental degradation manifest as: suppression of native woodland expansion, failing protected sites, eroded peatlands emitting instead of storing carbon, a lack of a natural treeline, denuded hillsides, trees clinging on in the most inaccessible places, lack of montane scrub such as juniper, increased run off rate, decreased water quality and increased downstream flooding risk.²

At a time when Scotland should be doing everything it can to create resilient landscapes in the face of climate change, which have healthy ecosystems helping communities to thrive, there has been a reluctance to move away from the voluntary approach to deer management when all of the evidence points to its failure.

If the voluntary approach had worked, then deer numbers would not have exploded in some parts of Scotland and landowners and managers would have been doing everything they could to help deliver the public interest. Sadly, the SNH report published in October 2015³ of an assessment of deer management plans from 44 deer management groups showed that the majority of deer management groups had failed to take account of public interest measures such as:

- Actions to manage deer to retain existing native woodland cover and improve woodland condition in the medium to long term
- Actions to improve Scotland's ability to store carbon by maintaining or improving ecosystem health
- Actions to monitor and manage deer impacts in the wider countryside
- Actions for the delivery of designated features into Favourable Condition.

That progress to date has been too slow is also illustrated by the fact that many deer management groups have not yet published draft or completed deer management plans. Only 13 (c 30%) out of 42 deer management plans are publically available for viewing on the Association of Deer Management Groups website⁴. This would appear to be at odds with the spirit of Land Reform regarding rights and responsibilities,

¹ 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.

² For further information on the impacts of deer see: The Scottish Wildlife Trust's policy on Wild Deer

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

³ See <http://www.snh.gov.uk/docs/A1772984.pdf>

⁴ Association of Deer Management Group's website last viewed 10/3/2016 – DMP either in prep or completed and on website

increased transparency, achieving sustainable development and engaging communities in decisions relating to the land.

The Trust believes that the amendments in the Bill regarding deer which were originally proposed by Mike Russell MSP and taken forward by the Scottish Government are a step in the right direction towards ensuring landowners and managers take more responsibility for the deer who inhabit their land to strike the right balance between the public versus private interest of deer stalking and shooting.

Because of the slow pace of change, the Trust would also urge the Scottish Government to accept Claudia Beamish's amendment regarding SNH's role and the Deer Code of Practice. The aim of the amendment under Section 5 of the Deer (Scotland) Act 1996 is that SNH would be obliged to assess and report on whether the code is proving effective in changing the behaviour of owners/occupiers such that the code is promoting sustainable deer management.

Although the Code of Practice presently applies to everyone who has land where deer are found it is not an offence to breach the Code. The Code clearly sets out how the public interest *should* be protected to:

- Manage levels of grazing, trampling and browsing to deliver the favourable condition of natural features within designated sites.
- Manage grazing levels designed to prevent loss or damage to Scotland's biodiversity, especially those key species and habitats identified in the Scottish Biodiversity List.
- Prevent damage from deer to wider ecosystems e.g. water quality and carbon stores in peatland.
- Follow the Invasive Non-native Species Code to prevent further establishment of non-native species.
- Protect designated historic features from being damaged by deer e.g. by trampling.

Again, we would point to the SNH 2015 report which leaves no room for doubt that the Code has in the past been ignored by many deer management groups when drawing up plans - even though it came into effect in January 2012. The amendment is therefore intended to help move landowners and managers along the 'behavioural change journey' by assisting SNH in ensuring that Scotland achieves sustainable deer management and all parties are complying with the Code.

Also, there is a vast difference between two small words - *should* and *must*. The Scottish Wildlife Trust believes that Scotland would be closer to delivering healthy, connected and resilient ecosystems allowing communities to get the best from the land, if the Code had become statutory and the *shoulds* became *musts*.

Because action is needed now to address the impacts of deer on the environment in some areas of Scotland, the Trust is pleased that the Scottish Government has made a commitment to bringing in provisions regarding deer management no later than two months after the Bill receives royal ascent, rather than waiting for the outcome of the SNH led review of deer management groups.

The clock is ticking on Scotland's biodiversity; report after report has shown that the impacts of too many deer has dire consequences for Scotland's natural capital. This Bill presents the Scottish Government with the chance to start to take the steps necessary to truly deliver sustainable deer management which means stabilising deer numbers at ecologically acceptable and sustainable levels which would be well below current levels in many areas.

Getting the balance right will mean that Scotland will move from thinking of wild deer as 'the deer problem' to celebrating wild deer as *an asset which play an important role in Scotland's rural economy, providing us with healthy food, recreational opportunities and being integral to Scotland's healthy ecosystems*⁵.

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For further information contact: Dr Maggie Keegan, Head of Policy

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⁵ From Wild Deer a National Approach