

PARLIAMENTARY BRIEFING



Scottish
Wildlife
Trust

Wildlife and Natural Environment (Scotland) Bill

The Scottish Wildlife Trust broadly welcomes the Wildlife and Natural Environment (Scotland) Bill and we hope that Parliament will pass it at Stage 1. However, we believe the Bill can be further improved and clarified in several areas.

We support the provisions on **non-native species** and the proposals for Sites of Special Scientific Interest.

Conversely, the proposals on **deer management** are, in our professional opinion, unworkable and will simply not result in the desired outcome i.e. sustainable deer management in Scotland. We also have serious concerns about the proposal to extend the licensable purposes under the Wildlife and Countryside Act 1981 to “any other social, economic or environmental purpose”.

More fundamentally, we believe a Bill that purports to be about ‘Wildlife and Natural Environment’ must address one of the fundamental reasons for the decline in biodiversity and ecosystem health, namely, **habitat fragmentation**. To not to do so within this Bill will be a huge missed opportunity to provide a legislative underpinning for the implementation of several commitments made on biodiversity at the recent Convention on Biological Diversity COP10 meeting in Nagoya, Japan. Policy initiatives in the last two decades, whilst laudable, have failed to improve ecological coherence, even on local and regional scales.

Ecological coherence

Professor Sir John Lawton, in his briefing to the RAE Committee said that “it is widely accepted amongst the scientific community that many populations of vulnerable species and communities of species in the UK and Scotland are too small and isolated for long term viability¹. Isolated populations and fragments of semi-natural habitat are likely to be put under even greater stress in the coming decades as the climate changes. We need to act now to improve the resilience of these remaining areas if they are to continue to hold viable wildlife communities. One way of doing this is through improving habitat condition; another is through increasing the ‘functional connectivity’ between habitat patches, including designated areas.”

We agree with this evidence and with the call for urgent action. The Bill represents a legislative opportunity to promote coherence and connectivity of (at least) protected areas and deliver several international biodiversity commitments recently agreed at the Convention on Biological Diversity COP10 meeting in Nagoya, Japan. This would not be a new designation or designation ‘by the back door’ but would add value to our existing protected areas and reduce ambiguity in the planning system. We very much welcome the supportive words in the Stage 1 Report but believe that Parliament can go further and legislate, thereby finally applying the ecological coherence provisions of the 1992 Habitats Directive.

Reform of the game laws – single witness evidence

We strongly support proposals to update the game laws and believe game offences should be treated as any other form of wildlife crime. We support the retention of single witness evidence as a basis on which to prosecute poaching offences and believe this provision should be extended to other forms of wildlife crime. We see no reason why single witness evidence should be sufficient for littering offences under the Environmental Protection Act 1990 and offences under the Dog Fouling (Scotland) Act 2003 but not for wildlife crime.

¹ Sutherland, W. J et al (2010) The identification of priority policy options for UK nature conservation. J App Ecol. 47, 955-965

Protecting **Scotland's wildlife** for the future

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The Scottish Wildlife Trust (SWT) is a company limited by guarantee and registered in Scotland (registered number SC040247.
It is also a Scottish registered charity (charity number SC005792).

Snaring

Our position is that snaring is contrary to European law (Habitats Directive Article 15) as it is an indiscriminate means of taking, capture or killing of species listed in Annex V and is capable of causing the local disappearance of, or serious disturbance to, populations of such species. We believe that the proposals in the bill are illegal and unworkable in any practical sense, and that there should be a ban on snaring in Scotland. It was suggested in evidence to the Committee that snaring can be a conservation management tool. This suggestion is laughable. We have liaised with other landowning conservation NGOs on this issue and can report that not one of them allows snaring.

Non-Native Species

We support the presumption against the introduction of non-native species and believe that there should be a single agency or organisation with a clear co-ordinating role in dealing with invasive non-native species.

We are pleased that the Report rightly identifies the anomaly that beavers which are currently being released under licence in Scotland are not specifically a protected species. We hope that the Scottish Government will act at Stage 2 to rectify this matter.

Species licensing

We are seriously concerned by the proposal to extend the grounds on which species licences can be granted to include “for any other social, economic or environmental purpose”. The level of protection afforded to European Protected Species under the Habitats Directive should be the minimum level of protection for species of conservation importance in Scotland, i.e. that the activity must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative; and that favourable conservation status of the species must be maintained. We do not accept that there should be any diminution in protection afforded to our most vulnerable and important species.

Deer

The proposal in the Bill for a non-binding code of practice which *may* advise on sustainable deer management is deeply disappointing and without strengthening – *on the face of the bill* – will perpetuate the current environmentally damaging and unsustainable situation. Opportunities for biodiversity benefits will be lost and measures to tackle climate change will continue to be compromised.

The Scottish Wildlife Trust owns and/or manages 122 sites totalling over 20,000 hectares and our experience of the present approach to deer management leads us to the firm conclusion that the voluntary approach, whilst superficially attractive, does not work.

Environmental and administrative benefits from a clear duty on sustainable deer management will include:

- recovery of natural vegetation leading to an increase in primary productivity, carbon sequestration potential and biological diversity
- reduced erosion and loss of carbon from upland peatland soils
- increased ‘ecosystem resilience’ which is required to help us adapt to climate change
- greater clarity for landowners including reduction in conflicts between neighbours with different deer management regimes
- less cost to taxpayers who will be required to foot at least part of the bill for expensive interventions where damage is occurring

With rights come responsibilities: there should be a statutory basis for all deer management and a duty on landowners to manage deer sustainably. The current proposal in the Bill would not operate in the public interest, or indeed private interests due of lack of clarity.

About the Scottish Wildlife Trust

SWT’s aim is to advance the conservation of Scotland’s biodiversity for the benefit of present and future generations. With over 35,000 members, over 700 of whom are actively involved in conservation activities locally, we are proud to say we are the largest voluntary body working for all the wildlife in Scotland.

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