



Consultation response to Scottish Government

## Wildlife Management (Grouse) Bill

Scottish Wildlife Trust

20 December 2022

*The Trust supports the introduction of a licensing system for driven grouse moor management and muirburn where landowners are required to adhere to minimum standards of environmental stewardship, and to monitor and report on their impacts on habitats and water quality. We are supportive of a ban on burning on deep peatland soils. We also support licensing of wildlife traps with a requirement for training and record keeping.*

The Scottish Wildlife Trust welcomes this opportunity to respond to the Scottish Government's consultation on wildlife management.

## Our Response

### Section 1 – Licensing of Grouse Shooting

1. Do you agree that the licensing of grouse shooting should be introduced to deter raptor persecution and wildlife crime linked to grouse moor management?

Yes

~~2. If you answered 'No' to question 1, please state what other option/s you think we should consider (max 150 words).~~

3. Do you agree that the landowner/occupier/person responsible for or accountable for the management decisions and actions should be responsible for acquiring and maintaining the licence for the taking of grouse on a particular piece of land?

Yes

~~4. If you answered 'No' to question 3, please state what other option/s you think we should consider (max 150 words).~~

Do you think that the person wishing to shoot grouse on land that they do not own, or occupy, should be required to check that the person who owns the land has a licence which allows for the taking of grouse on that area of land?

Yes

~~6. If you answered 'No' to question 5, please state what other option/s you think we should consider (max 150 words).~~

7. If we introduce a licensing scheme, do you agree that NatureScot should be the licensing authority?

Yes

8. Do you think that a licence should be granted for a maximum period of one year (renewable on an annual basis thereafter)?

Yes

~~9. If you answered 'No' to question 8, please state what other option/s you think we should consider (max 150 words).~~

10. Do you think that the civil rather than the criminal burden of proof is an acceptable test for the application of sanctions in relation to grouse moor licences? Please note that a civil standard of proof would require NatureScot to base their decision on the 'balance of probabilities' whereas a criminal standard of proof requires satisfaction 'beyond reasonable doubt'.

Yes

~~11. If you answered 'No' to question 10, please state what other option/s you think we should consider (max 150 words).~~

12. Do you agree that record keeping or reporting requirements should be part of the licence conditions? Please note that record keeping would involve noting down the activities carried out under the licence (e.g. the number of days on which grouse shooting took place, the number of grouse shot on each day, types of predator control undertaken, etc.) and providing these if/when they are requested. Reporting requirements would involve the active reporting of activities carried out under the licence on a regular basis.

Record keeping

~~13. If you answered 'neither' to question 12, please outline why you believe this (max 150 words).~~

14. Do you agree that, where a person holds a valid licence, and there is sufficient evidence to show that, on the balance of probabilities a wildlife crime has been committed on their property, NatureScot should have the power to impose the following penalties:?

Issue a written warning

Temporarily suspend a licence

Permanently revoke a licence

Yes

~~15. If you answered 'no' to question 14, please outline why you believe this (max 150 words).~~

16. Please provide any further comments on the questions in this section here.

Nature Scot must be suitably resourced to enforce the licencing of grouse shooting alongside their other responsibilities that are also essential for reversing declines in Scotland's biodiversity.

In the context of a nature and climate emergency the Trust believes that the Code of Practice for grouse moor management should be put on a firmer footing and direct what must be done as opposed to it being a voluntary code.

To improve biodiversity data and fully understand the impact of grouse moor management record keeping should be required to include all species that are managed, e.g. mountain hare, not only predators. In addition, it should be a requirement to report any practices that are known to impact on the landscape and associated habitats, e.g. the use of medicated grit.

There's clearly a problem with raptor persecution in Scotland and responsible landowners and shooters have nothing not fear from a proper licensing system.

## Section 2 – Muirburn

Currently a licence is only required to undertake muirburn outwith the muirburn season. Do you agree that a licence should be required to undertake muirburn regardless of the time of year that it is undertaken?

Yes

~~18. If you answered 'No' to question 17, please outline why you believe this (max 150 words):~~

19. If we introduce a licensing scheme, do you agree that NatureScot should be the licensing authority?

Yes

20. Do you agree that there should be a ban on muirburn on peatland unless it is done under licence as part of a habitat restoration programme approved by NatureScot?

Yes

21. Other than for habitat restoration, public safety (e.g. fire prevention), and research, are there any other purposes for which you think muirburn on peatland should be permitted?

No

22. Do you agree that the definition of peat set out in the muirburn code should be amended to 40 cm?

No

23. If you answered 'No' to question 22, please outline why you believe this (max 150 words):

The trust supports a deep peatland definition of 30cm.

24. Please provide any further comments on the questions in this section here:

We strongly support the IUCN UK Peatland Commission's stance that the best management for peatlands is to re-we and restore them, not to burn them. Using burning as management only perpetuates the problem of wildfires and the costly management associated with them.

The trust supports a deep peatland definition of 30cm.

We want to see a "precautionary approach" to muirburn through a licencing scheme. Continuing with burning to maintain an ecosystem which is prone to large scale burns i.e. the status quo is an increasingly risky approach in a nature and climate emergency where periods of sustained drought will increase.

The Trust has been publicly supportive of Government funding to restore peatlands for the huge carbon and ecological benefits that provides. We have also been supportive of leveraging private sector investment to achieve the level of peatland restoration needed to meet climate and nature targets. It would represent completely incoherent policy making to allow burning to persist with these efforts in mind.

### Section 3 – Trapping and Snaring

#### 3.1 Wildlife Traps

25. The Scottish Government proposes that a person operating a wildlife management trap must apply for a unique identification number which they must then attach to any traps that they set outdoors, do you agree that this proposal should apply to (select all that apply):

Live capture traps for birds YES

Live capture traps for mammals (except rodents) YES

Traps listed in the Spring Trap Approval Order YES

Rodent kill traps YES

Live capture traps for rodents YES

26. The Scottish Government proposes that a person operating a wildlife management trap outdoors must successfully complete an approved course dealing with the relevant category of trap, do you agree that this proposal should apply to (select all that apply):

Live capture traps for birds YES

Live capture traps for mammals (except rodents) YES

Traps listed in the Spring Trap Approval Order YES

Rodent kill traps YES

Live capture rodent traps YES

None of the above

Unsure

27. This question should only be answered if you agree that training should be required for at least one of the traps listed in question 26. The Scottish Government proposes that a person operating a wildlife management trap outdoors must undergo refresher training every 10 years, do you agree that this proposal should apply to: (select all that apply)

Live capture traps for birds YES

Live capture traps for mammals (except rodents) YES

Traps listed in the Spring Trap Approval Order YES

Rodent kill traps YES

Live capture rodent traps YES

None of the above

Unsure

28. Do you agree that record keeping and reporting requirements should be part of the registration scheme? Please note that record keeping would involve noting down the activities carried out under the licence (e.g. the number and kind of traps used under the licence, the number of each species

caught or killed using licenced traps, and the number of days the traps were set for) and providing these if/when they are requested. Reporting requirements would involve the active reporting of activities carried out under the licence on a regular basis.

YES record keeping + record reporting requirements

29. Do you agree that an individual found guilty of the offence of: • using a trap without valid training from an approved body; • using a trap without being registered to do so; • using a trap without displaying an identification number correctly on the trap; • falsifying records or identification number; • using a trap on land without landowner permission; • failing to comply with the duty to keep trapping records. should be liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both). A level 5 fine is currently £5,000.

YES

~~30. If you answered no to question 29 please explain the reason for your answer (max 150 words):~~

31. Please provide any further comments on the questions in this section here:

Active and humane management is essential for the conservation of certain species (i.e. red squirrels). In many cases, volunteers and members of the community are looked to lead and carry out this management. Proper training, licensing, and reporting requirements would all be beneficial, but proper support capacity (i.e. available training that is not cost prohibitive and support for reporting queries) will be necessary to not hinder community engagement in these efforts.

### 3.2 Glue Traps

32. Do you agree that the use of glue traps designed to catch rodents should be banned in Scotland?

Yes

33. Do you agree that the sale of glue traps designed to catch rodents should be banned in Scotland?

Yes

34. Do you agree that there should be a two year transition period before the ban on glue traps comes into force?

Don't know

35. Please provide any further comments on the questions in this section here.

The Trust do manage species in certain situations, as a last resort, but we support the gist of these proposals

### 3.3 Snares

36. Do you agree with the recommendations from the statutory review of snaring that operators should be required to update their records at least once every 48 hours, unless they have a reasonable excuse not to and that these records should be made available to the Police on demand if the police arrive at the location where the records are kept, or within 7 days to the police station?

Yes

37. Do you agree with the recommendations from the statutory review of snaring that a power of disqualification should be introduced for snaring offences? A disqualification order can stop you from owning, keeping, selling, transporting or working with animals or running a service which involves being in charge of animals.

Yes

38. Please provide any further comments on the questions in this section here.