



Views to the Rural Affairs and Islands Committee on

The Wildlife Management and Muirburn (Scotland) Bill

Scottish Wildlife Trust

05/05/2023

The Scottish Wildlife Trust supports the proposed changes to the use of wildlife traps and the need for licencing of the shooting of red grouse and making muirburn. The Trust would like to see greater detail on how licencing would work and emphasises the need for robust compliance measures to ensure necessary changes are implemented to support the nation's efforts in tackling the climate and nature emergencies.

The Scottish Wildlife Trust welcomes this opportunity to respond to the Rural Affairs and Islands Committee call for views.

Question 1 Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)?

Yes – The Scottish Wildlife Trust (hereafter referred to as the Trust) supports the recommendation for a ban on the use of glue traps. The Scottish Animal Welfare Commission unanimously agreed that glue traps cause animal suffering and present a significant animal welfare concern¹. Glue traps are inhumane and indiscriminate and should not be used, even as a last resort.

Question 2 Do you agree there is a need for additional regulation of the use of certain wildlife traps?

Yes – Wildlife should only be destroyed as a last resort in matters of conservation or agriculture and not for the benefit of “sport”. Non-lethal solutions should be the primary way of managing wildlife conflicts.

Current system for both live capture traps (for example crow cage traps under General Licences) and kill traps is unaccountable, inadequately controlled, and vulnerable to misuse.

Review of species licensing (part of Bute House agreement) needs to happen as soon as possible and needs to work in parallel with the Wildlife Management and Muirburn (Scotland) Bill.

There needs to be a standardisation of trap design and practitioners should be accredited and properly trained.

The Trust agrees that every trap must have the operator's individual ID number attached.

It is important to consider the ways in which human activity has modified the environment in such a way that allows certain species to thrive and other species to struggle. Rather than continuing practices as usual – such as intensive grouse moor management – which result in high generalist predator species, changing the way we manage the land and promoting habitat conservation will improve the balance of species, reducing the need for wildlife traps.

Question 3 Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)?

Yes – For public policy choices to be based on data rather than speculation, reporting should be a prerequisite of a trap licencing. This is a requirement for those catching birds to ring them.

The list of “relevant offences” is too narrow, for example there is no mention of Animal Health & Welfare (Scotland) Act 2006.

We recommend that the conditions permitting suspension or revocation of such a licence should be parallel to those currently used to restrict the use of General Licences by NatureScot, i.e. “where there is evidence to suggest that a wild bird or birds has/have been killed, injured and/or taken, and/or that an attempt has been made to do so other than in accordance with a licence, or where General Licences are being otherwise misused”.

Question 4 Do you agree there is a need for additional regulation of land to be used to shoot red grouse?

Yes – The industry has had more than enough time to adapt to changing demands and public pressure. It is not acceptable that wildlife crime and raptor persecution are still so prolific on land used for grouse shooting. It is evident that the grouse shooting sector fails to police itself and so more stringent measures are needed to prevent these crimes being committed.

The Trust urges that the anticipated code of practice be clear and comprehensive covering key issues and management measures associated with grouse shooting such as the use of medication, muirburn, protection of habitats and species and non-lead ammunition. The code of practice is currently stated to provide “guidance”, but it needs to be a requirement for practitioners to follow the code to be granted the licence and retain that licence.

Question 5 Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)?

Yes – As mentioned in question 4, the current “self-policing” system fails to initiate change. Licencing the individual most responsible for the grouse shoot will be the most effective mean of enforcing compliance. A named individual licence holder will ensure accountability of grouse shoots. The necessary licence processing, monitoring and other administrative burden by the licencing body should be funded by the licencing fees and not by public funds.

The Trust is concerned that a 14-day notice period is given on the suspension and revocation of a licence to shoot red grouse and the ability of the relevant authority to alternate the notice period. We would welcome greater detail on this and would urge consideration that 14 days is time enough to continue bad practice and significantly harm wildlife. We would also appreciate further detail on the circumstances by which a licence might be reinstated.

The language currently used within the Bill is not strong enough to ensure compliance with best practice through the Code of Practice. The current language used implies that the code of practice is guidance (Section 16AC(2)), rather than the necessary standard. It is important that best practice is followed and the need for compliance should be emphasised through the language used in the Bill.

There is currently no link in the proposed Bill between the licence for land to be used to shoot red grouse and a licence to undertake muirburn. Continuing to use muirburn as a tool to manage grouse numbers should not be permitted once a grouse shooting licence has been lost.

Question 6 Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)?

Yes – However, if the Scottish SPCA are to be given additional responsibilities they also need to be given additional training and resources. The Scottish SPCA is a charity organisation (albeit a reporting agency to the Crown Office and Procurator Fiscal Service) and not a public body. Funding this vital work through donations would not be possible. How will the Scottish SPCA be supported in this added responsibility? Police Scotland wildlife crime officers are already involved in this work and should be better equipped to investigate and deal with incidents. The current strategy is not working as evidenced by the latest wildlife crime statistics that showed an increase by 55% in 2021-22 compared to 2019-20ⁱⁱ.

Question 7 Do you agree there is a need for the additional regulation for muirburn?

Yes – Peatlands cover more than 20% of Scotland's land surface – the majority of which is degraded as a result of historic and ongoing land management including prescribed burningⁱⁱⁱ. The further escalating impact of climate change is putting this important habitat at increasing risk. If peat dries out the 1.7 billion of tonnes of carbon currently locked up in Scotland's peatland could be released. Damaged peat bog habitat, such as those that repeatedly suffer from exposure to muirburn and wildfires, are at greater risk of drying out, so to prevent the release of immense tonnes of carbon we need ongoing considerable and focused effort to restore and protect these important habitats. Muirburn is counterproductive to this goal and should only be undertaken in the most limited of circumstances where evidence supports the use of burning as a management practice for societal benefit.

The Trust supports the proposal to redefine deep peat depth. However, we recommend the Scottish Government redefines this as 30cm (as opposed to 40cm) which would cover all internationally important blanket bog habitats^{iv}. This would take Scotland beyond the ambitions of the UK Government. There is considerable conflicting information on the carbon sequestration impacts of burning on peatland. It is important that the methods and results of studies are scrutinised through unbiased peer reviewed process.

In addition, we request you consider the purposes under which a licence to muirburn might be requested and accepted. There is overwhelming evidence to show that burning on peatland provides no benefit to health or sustainability of the peatland habitats and its ability to sequester and store carbon^v.

Licensing for activity on peatland already exists for forestry and windfarm development requiring practitioners to measure the depth of the peat in prospective development and planting areas. It is not a valid argument to claim that measuring the depth of peat would be too onerous. Regardless of muirburn licensing, landowners should be encouraged to assess the depth of peatland on their land for natural capital accounting and not see the data requirement as a burden, but an opportunity. This data is already needed as part of the Peatland Code to provide assurance for investors in peatland restoration projects and would allow landowners to diversify their incomes and provide public goods^{vi}.

Peatland is a vital resource in our ability to meet statutory climate targets and reduce the impacts of global warming. Scientific evidence demonstrates that burning on peatland can damage endemic species, impact important microtopography and ultimately effect the health of the peatland habitat and its ability to form further peat and provide the vital ecosystem services. Ultimately it is against the public's interest to burn on peatland. Allowing peatland to be burned will have a cost to society in the release of carbon, reduction in biodiversity and is a risk to the substantial public investment that has already helped restore peatland across Scotland. Rewetting peatland offers a far more sustainable means to manage wildfire risk, while also tackling the climate and biodiversity crises together. There are many good examples of the positive changes seen as a result of rewetting peatland^{vii}.

The conflicting results of various scientific studies have delayed a sensible approach to managing burning on peatland^{viii}. This mix of outcomes is due to an inconsistent methodology when gathering

data, preventing the ability to compare and reliably interpret the results. Any gaps in evidence should not be an excuse for burning to continue. We need to embed the precautionary principle in our approaches to land management, so we can effectively tackle the climate and biodiversity crises.

Even if the muirburn code becomes a mandatory legal requirement of land managers, the large areas in which muirburn takes place will be hard to police without significant resources and without continued significant risk to our vital peat reserves.

The main point is that due to the risk of our vital peat reserves; our lack of faith in the grouse shooting industry to look after and prioritise peatland over grouse shooting; the difficulty and resources it would take to effectively enforce the licence; and because keeping so much of our land in state of monoculture stops the development of greater biodiversity: a licence should not be given for muirburn when the reason is as unnecessary as ensuring more grouse can be shot by a few people for sport.

Question 8 Do you agree with the proposed licensing system for muirburn (sections 9-19)?

Yes - In situations where there is robust peer reviewed scientific evidence to support muirburn taking place, where alternatives like cutting are not available, we would not oppose the use of muirburn as a management technique. We would like to see further detail as to which habitats burning is considered a suitable management tool. Currently there is no robust evidence to suggest that burning is a necessary tool for peatland habitat management^{ix}.

The recent publication by the University of York^x claims to demonstrate the benefits of burning on heather dominated peatbog, but this study is not peer reviewed, giving it little scientific rigor and only compares degraded bogs. Should the study area be rewetted and allowed to regenerate the public benefits for carbon, biodiversity and water quality could be significantly greater than suggested by the University of York publication^{xi}. We need a sustainable, long-term vision of peatland management, beyond the short burning cycles of muirburn, that will properly restore peatbogs, making them more resilient to wildfires^{xii}. The Trust manages considerable peatland habitat where burning has never been used as a management technique. These habitats provide considerable ecosystem services such as flood regulation, improving water quality and reducing wildfire risk on top of capturing and storing carbon and providing significant biodiversity benefits. It is in the public's best interest for these habitats to be restored and protected.

The increased risk of wildfire due to climate change will also risk the thousands of pounds of public money that has already been invested in peatland restoration in Scotland. There is evidence to show that muirburn is the cause of a proportion of wildfires, but this relationship remains uncertain and so the precautionary principle should be followed when administering licences so that the risk is reduced as far as possible^{xiii}. We support wider efforts from the Fire Service and the Scottish Government on public education initiatives and training land managers of all types to prevent wildfires where possible.

The Muirburn Code requires updating and the Trust is concerned that this, coupled with the anticipated date of ratification of the Bill, will delay action so that two seasons of unlicensed

muirburn activity will occur, resulting in significant risk to peatland habitats and potentially undermining efforts to meet our statutory climate targets.

The language currently used within the Bill is not strong enough to ensure compliance with best practice through the Muirburn Code. Section 12(2)(a) "the person to whom the licence is issued must have regard to the Muirburn Code" and Section 12(2)(a)(i). This reference to "have regard to" is too ambiguous and needs to be strengthened to something along the lines of "must comply with". The current lack of success through the voluntary approach and the pressing climate and nature emergency demonstrates the need for a stricter method to ensure compliance.

It is important that Scotland has a strong approach to reducing the risk of damage to peatland. Lessons can be learned from the licencing system in England. There currently exist a number of loopholes where land managers are able to burn on peatland regardless of its depth and quality. The Wildlife and Countryside Link estimated that once all the regulatory exemptions are considered a maximum of just 30% of England's blanket bog habitat, or just 8% of all the peat in England is fully protected^{xiv}. Investigations by RSPB have revealed that many illegal muirburn exercises are continuing to take place in England^{xv}. It is important that we do not replicate this situation in Scotland through robust legislation and enforcement and ensure that Scotland leads the way on protection and restoration of our substantial and important peatland habitats to combat the biodiversity and climate crises.

As with the licence to shoot red grouse, the Trust is concerned that a 14-day notice period is given on the suspension and revocation of a licence to make muirburn and the ability of the relevant authority to alternate the notice period. We would welcome greater detail on this and would urge consideration that 14 days is time enough to continue bad practice and significantly damage habitats and undermine actions to provide public goods. We would also appreciate further detail on the circumstances by which a licence might be reinstated.

We agree that the muirburn season needs to be adaptable for a changing climate and resulting change in species phenology, but we do not advocate for the season to be extended.

There needs to be a strong connection between a licence for grouse moor management and a licence to undertake muirburn. If a muirburn licence is breached there should be implications for the ability of an individual to hold a licence for grouse shooting.

ⁱ <https://www.gov.scot/publications/scottish-animal-welfare-commission-report-use-rodent-glue-traps-scotland/pages/6/>

ⁱⁱ <https://www.gov.scot/publications/wildlife-crime-scotland-annual-report-2021/pages/3/>

ⁱⁱⁱ <https://www.nature.scot/professional-advice/land-and-sea-management/carbon-management/restoring-scotlands-peatlands>

^{iv} <https://www.iucn-uk-peatlandprogramme.org/sites/default/files/2019-07/1%20Definitions%20final%20-%205th%20November%202014.pdf>

^v https://www.iucn-uk-peatlandprogramme.org/sites/default/files/2023-04/Position%20Statement%20-%20Burning%20and%20Peatlands%20V4%20-%20FINAL_1.pdf

^{vi} <https://www.iucn-uk-peatlandprogramme.org/peatland-code/introduction-peatland-code/projects>

^{vii} https://www.iucn-uk-peatlandprogramme.org/sites/default/files/header-images/IUCN%20Demonstrating%20Success%20Booklet_UK.pdf

^{viii} <https://www.iucn-uk-peatlandprogramme.org/about-peatlands/peatland-damage/burning-peatlands>

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- ^{ix} <https://www.iucn-uk-peatlandprogramme.org/about-peatlands/peatland-damage/burning-peatlands>
- ^x <https://eprints.whiterose.ac.uk/194976/>
- ^{xi} <https://onlinelibrary.wiley.com/doi/10.1111/gcb.16359>, <https://sefari.scot/research/maximising-the-benefits-of-peatland-restoration-right-place-right-time-and-best-practice>, <https://core.ac.uk/reader/219374064>
- ^{xii} https://eprints.whiterose.ac.uk/152424/1/NG_Mat_Aris_Marrs_et_al_rev_110919_15_refs_clean.pdf
- ^{xiii} <https://www.nature.scot/doc/naturescot-research-report-1302-reviewing-assessing-and-critiquing-evidence-base-impacts-muirburn#2.+Main+findings>
- ^{xiv} <https://www.wcl.org.uk/weak-ban-could-leave-englands-peatland-burning.asp>
- ^{xv} <https://unearthed.greenpeace.org/2022/05/30/satellites-fires-burning-england-peatland-grouse-shooting/>