



Response to Scottish Government's

# Managing deer for climate and nature: Consultation

Scottish Wildlife Trust

*19<sup>th</sup> March 2024*

*Scottish Wildlife Trust is supportive of Scottish Government's proposals to modernise deer management in Scotland. We welcome the focus on ecological restoration in the proposed legislative changes and see the proposals in the consultation as essential actions in light of the climate and nature emergency.*

The Scottish Wildlife Trust welcomes this opportunity to respond to Scottish Government's consultation 'Managing deer for climate and nature'.

## **Part 1 – Enhancing the Natural Environment**

### **Question**

*Do you agree that NatureScot should be able to intervene, through Deer Management Nature Restoration Orders (DMNRO), to ensure that action is taken to manage deer, where deer management has been identified as a key part of nature restoration?*

**Answer:** YES

### **Question**

*Do you agree with our proposed criteria for a DMNRO that:*

- *They can only be ordered where there is social, economic or environmental benefits to be achieved through nature restoration, and*
- *additional deer management is a key factor or one of the key factors in securing that benefit?*

**Answer:** YES

### **Question**

*Do you agree that NatureScot should be able to require a person who is subject of a DMNRO to undertake a range of actions to achieve deer management objectives in these circumstances? Such actions could include:*

- *reductions in deer numbers, by setting a target density or a specified cull over a period of time*
- *deer fencing, e.g. requiring fencing to be put in place by landholdings with high deer numbers to prevent those deer damaging restoration projects elsewhere within the DMNRO area*
- *specified additional work to support deer management including habitat assessments, more detailed cull plans, and cull reporting.*

**Answer:** YES

### **Question**

*Do you agree that if financial incentives for deer management are created, individuals subject to DMNROs should be automatically eligible for such support?*

**Answer:** YES (+comment)

### **Question**

*Do you agree that non-compliance with DMNROs should be treated in the same way as non-compliance with existing deer control schemes ie:*

- *It would be an offence*
- *It would carry a maximum fine of £40,000 or 3 months imprisonment or both.*

**Answer:** YES

## Question

*Do you agree that NatureScot should be able to recover costs from the landowner where they are required to intervene as a result of non-compliance with DMNROs?*

**Answer:** YES

## Further comments on part 1

The lowering of deer densities across Scotland is a major policy priority for the Scottish Wildlife Trust. Reducing grazing pressure by deer at a landscape-scale will be essential if we are to meet global and national targets for 2030 and 2045 on nature and climate.

We believe that the only way to ensure that densities are reduced to ecologically sustainable levels is through enforcement by NatureScot, as the voluntary approach taken up until now has proven ineffective. We are highly supportive of the ecosystem-based approach that DMNROs would take and the focus on nature restoration as opposed to just damage reduction. It will be essential for NatureScot to be given sufficient resource to ensure that these additional powers can be used to their full potential and have a meaningful, positive impact on Scotland's ecosystems.

The Trust would like to see the riparian zone, the temperate rainforest zone and peatlands prioritised when selecting DMNRO areas. Currently any initiative with a focus on terrestrial ecosystem restoration, such as Riverwoods, Saving Scotland's Rainforest and Coigach and Assynt Living Landscape, is limited by the level of voluntary deer control being carried out in the surrounding landscape and these initiatives could really benefit from ecosystem-focussed regulatory support to compel neighbouring landowners to cooperate to reduce deer numbers.

DMNROs need to be contextualised within wider land management policy. For example, how do they interact with proposed landscape scale focused areas described in the Biodiversity Framework Consultation, how do they interact with Regional Land use Partnerships and how do they interact with Nature Networks?

We would generally like to have more clarity on how DMNROs would be implemented in practice and how DMNRO areas will be identified. There should be strong links to ensure DMNROs contribute to Nature Networks and improving the condition of protected areas to achieve 30 by 30 and wider delivery of the Scottish Biodiversity Strategy.

It is unclear whether there would be a voluntary component to the DMNRO process, as exists in the current legislation. We believe it would be better to save time and resources by foregoing any voluntary component and have DMNROs be fully compulsory.

We agree that DMNROs should include a range of actions and accept that fencing may be a necessary measure in certain circumstances but would generally like to see good deer management incentivised, and fencing disincentivised, through the DMNRO process. Fencing off high deer density landholdings within DMNRO areas may be a practical solution to allow nature restoration to happen in the surrounding land, however there are potentially deer welfare implications associated with allowing high densities of deer to persist in a fenced off area. Restricting the natural movement of deer may cause them distress and restricting their access to grazing land may lead to suffering through starvation, especially if resources are depleted within the fenced area. We believe that this method

should only be used as an absolute last resort and that a maximum deer density within the fenced area should be agreed in line with the carrying capacity of the enclosed land. Where this method is used, we believe that the financial outlay should fall to the landowner.

We agree that those subject to DMNROs should be eligible for financial support, but we believe that there should be conditions placed on this support. We do not believe that landowners who choose to use fencing instead of ecologically sustainable deer management should be eligible for support. We agree with John Muir Trust (JMT)'s concerns over providing funding to landowners who have allowed deer numbers to multiply while others have acted responsibly without financial support. We also concur with JMT's idea that funding could be directed to pay local stalkers rather than being channelled through landowners to make private arrangements. This could potentially dovetail with the rollout of the community deerstalking model – Training for local people and the provision of community deer larders and other equipment could be prioritised for communities within DMNRO areas and land access for qualified local recreational stalkers could be part of a DMNRO agreement.

## **Part 2 – Compulsory Powers and Compliance**

### **Question**

*Do you agree with our proposals that would allow changes to the types of information which can be requested by NatureScot (under section 40 of the 1996 Act), to be made via secondary legislation?*

**Answer:** YES

### **Question**

*Do you agree with our proposals that the period of time over which NatureScot can ask for information on planned future culls should be increased from 12 months up to a period of 5 years?*

**Answer:** YES

### **Question**

*Do you agree with our proposals that NatureScot should be able to use emergency powers under Section 10 of the Deer (Scotland) Act 1996, which include the ability to enter land to undertake short term deer management actions for a period of up to 28 days, to tackle damage to the natural heritage?*

**Answer:** YES

### **Question**

*Do you agree with our proposals that where NatureScot have intervened and carried out deer management actions as a result of these emergency powers, they should be able to recover reasonable costs?*

**Answer:** YES

## **Further comments on part 2**

The Trust believes that, to be successful in reducing deer numbers to levels at which landscape scale ecological restoration is possible, it will be essential to gain an accurate, detailed picture of populations across Scotland and to assess their impacts locally. In order for NatureScot to be able to intervene where necessary and enforce measures where they are needed most, it is essential that they have a clear picture of deer populations and the deer management landscape across Scotland.

### **Part 3 – Deer welfare**

#### **Question**

*Do you agree with our proposals that everyone shooting deer in Scotland should meet fit and competent standards as evidenced by having achieved at least Deer Stalking Certificate Level 1?*

**Answer:** YES

#### **Question**

*Do you agree with our proposals to establish specified competence levels for those deer management activities which currently are only permissible under authorisation by NatureScot, such as night shooting, driving deer and out of season shooting? This would mean anyone undertaking these activities must have evidenced their competence levels and registered with NatureScot but would not need to apply for a specific authorisation to undertake these activities.*

**Answer:** YES

#### **Question**

*Do you agree with our proposals that the requirement for an individual authorisation from NatureScot to carry out activities such as night shooting, driving deer and out of season shooting could be replaced by registration on the Fit & Competent Register where deer managers must have evidenced their competency to undertake specified activities?*

**Answer:** YES

#### **Question**

*Do you agree with our proposals that use of a shotgun to kill deer should be subject to stricter regulation?*

**Answer:** YES

#### **Question**

*Do you agree with our proposals that any capture of live deer should be individually authorised by NatureScot?*

**Answer:** YES

#### **Question**

*Do you agree that NatureScot should develop a statutory Code of Practice, which could provide guidance and minimum standards on topics such as animal welfare and disease prevention, on the live capture of deer in Scotland in collaboration with stakeholders for use in future?*

**Answer:** YES

### Further comments on part 3

If DSC level 1 is required for everyone shooting deer in Scotland, we would want to see an effort made to ensure access to training by a wider demographic of people. DMGs could be funded to train local people as part of a community-based approach to deer management.

It is Scottish Wildlife Trust policy that only DSC 2 stalkers can stalk on our reserves. In the interest of ensuring the highest possible deer welfare and public safety standards we believe efforts should be made to increase the number of DSC 2 holders in Scotland.

## Part 4 – Changes to close seasons

### Question

*Do you agree that the close season for female deer of all species should be the same?*

**Answer:** YES

### Question

*Do you agree that the close season for female deer of all species should be changed to cover the period of highest welfare risk, from 31 March to 30 September?*

**Answer:** YES

### Question

*If you do not agree with our proposals to change the season for female deer, what, if any, further actions would you recommend to support increased management of female deer?*

**Answer:** N/A

### Further comments on part 4

Scottish Wildlife Trust believes that, for meaningful reductions to be made to deer populations across Scotland, coherent with us meeting our 2030 and 2045 targets on climate and nature, the length of time within a year that breeding females can be culled needs to be maximised. This will not be a silver bullet, rather an essential component, alongside other tools such as lynx reintroduction, community deer stalking and improvements to the venison supply chain, as part of a coordinated landscape-scale approach to deer management.

We are, however, aware of concerns of the gamekeeping community around shooting pregnant hinds and orphaning young. We would suggest that, if the proposed changes to closed seasons are made, there should be an emphasis in deer stalker training on good practice for shooting female deer.

## **Part 5 – Venison**

### **Question**

*Do you agree that venison specific regulations should be repealed and venison should simply follow the same regulatory procedure as other wild meat and game products without the additional requirement of a Venison Dealers Licence?*

**Answer:** YES

### **Question**

*If no, do you agree that NatureScot should be able to gather more information from venison dealers on deer carcasses and their use? For example, this could be used to help understand if there are areas of Scotland where there are insufficient facilities for processing venison or if there are other barriers.*

**Answer:** N/A

### **Further comments on part 5**

One of the major barriers to increasing the deer cull across Scotland is the existence of bottlenecks in the venison supply chain. We believe that repealing the Venison Dealer's License will be important for removing some of these bottlenecks by making the sale of venison accessible to smaller, independent dealers, thereby increasing the supply of affordable local venison to communities. This will need to happen in conjunction with improved traceability of food products and increasing the availability of storage and processing facilities, as well as investing in, and promoting interest in, training for local people in butchery skills.

## **Part 6 – Kept and Farmed Deer**

### **Question**

*Do you agree with our proposals that the owner or occupier of land should be allowed to shoot stray farmed deer on that land in order to prevent damage by the deer, providing there is, by their assessment, no other reasonable or practical way to contain the deer?*

**Answer:** YES

### **Question**

*Do you agree with our proposals that anyone wishing to keep deer as private property (i.e. not for the purpose of farming or as an exhibit in a zoo) should require a licence to protect the welfare of those deer?*

**Answer:** YES

### **Question**

*Do you agree with our proposals that anyone seeking to release captive red or roe deer into the wild in Scotland should require authorisation from NatureScot, for example, deer which may have been*

*caught and monitored for research purposes? This would also allow us to gain a better understanding of when and why people want to release captive red or roe deer into the wild.*

**Answer:** YES

### **Further comments on part 6**

We are in favour of a 'polluter pays' principle for escaped farmed deer. Farmers responsible for escaped deer should pay compensation in the case of any damage incurred and should be liable to pay penalties if escaped deer are not contained.

There should be a direct correlation with invasive non-native species management policy for the control of and responsibility for non-native deer species.