

Consultation Response to the Joint Agency Strategy for Wild Deer in Scotland

Summary

- LINK supports the inter agency approach towards the development of the strategy, as well as the content of the document subject to a few points of detail. In our view, the strategy gives appropriate recognition to the balance of private and public interests, including Scottish Government priorities, involved with management of wild deer populations.
- We support the recognition given in the Strategy for the need to help meet Scottish Government targets for the enhancement of designated sites, as well as achieve the objectives of the Scottish Biodiversity Strategy, and commitments to reverse biodiversity loss by 2010. We also acknowledge and support the priority given to the conservation of key biodiversity outside designated sites, where deer management has a role to play.
- We would like to see an agreed standard for deer management plans, to cover all of the deer range, which are based on sensible ecosystem units. There should be a clear timescale for the final production of these documents. We would like to see resources made available for local project officers to be employed to draw up these plans and then help implement the plans in conjunction with all relevant stakeholders.
- We encourage an early review of the Deer (Scotland) Act 1996 in order to accord with the current day requirements for deer management and in particular to secure greater integration with the wider rural development initiatives of the Scottish Government.
- There should be greater investment in understanding the “non use” value of deer and identification of wider rural development initiatives involving deer, which could provide wider benefits to local communities. We support further work to look at the costs as well as benefits of deer to the Scottish economy, and in this way to stimulate greater public long-term investment in deer management work (and the work of DCS).

- In our view, the strategy requires further development in relation to its policies to deal with climate change. It requires a better indication as to how DCS will provide practical guidance (with other Scottish Government agencies) to land managers on appropriate management measures to improve the robustness of upland habitats, and thereby our ability to mitigate the impacts of climate change.

1. Scottish Environment LINK

Established in 1987, Scottish Environment LINK is the forum for Scotland's voluntary environment organisations – 33 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

LINK provides a forum and network for its member organisations, enabling informed debate, and assisting co-operation within the voluntary environmental sector.

LINK assists communication between member bodies, Government and its agencies, and other sectors within civic society. Acting at local, national and international levels, LINK aims to ensure that the environment is fully recognised in the development of policy and legislation affecting Scotland.

LINK works largely through its Task Forces, groups of members and sometimes co-opted organisations working together on issues of mutual interest, exploring the environmental issues and developing advocacy strategies to promote these to other interests, the public and decision makers. LINK has an established Deer Task Force, which comprises of 9 member organisations, with landowning, landscape, access and policy interests in deer management issues.

2. LINK's Deer Vision

Our vision is of sustainable populations of native species of deer, playing positive roles in Scottish ecosystems and contributing to the rural economy. Management of wild populations of deer should be undertaken if necessary, primarily to benefit natural habitats, but also to protect economic interests, or to ensure public safety. Deer management will be planned in full consultation with all affected stakeholders, bearing in mind that deer are free ranging, they belong to no individual, and are legally a common property resource. In addition, deer populations in one area may affect neighbouring land occupiers, nature conservation, ecosystem processes, landscape, or community objectives. Population control should generally be the method of choice for managing deer populations as fencing has wider impacts on wildlife and their habitats, the landscape and public access. All population management will be undertaken in a humane way.

3. LINK's General Response to the Deer Strategy

LINK welcomes the broad approach of the Deer Strategy, which we feel strikes a good balance between both legitimate public and private interests in deer management. This strategy is a significant improvement on its predecessor document, where we felt that the public interest in deer management was not accorded appropriate weight. We also

welcome the consultative approach that has been adopted by DCS in preparation for this strategy and the engagement that we have been afforded through the stakeholder forum, as well as bi-lateral meetings with DCS.

We acknowledge the joint agency approach towards production of this strategy. We consider that this wider approach towards strategy development is commensurate with increasing recognition that issues surrounding deer management are of interest to other stakeholders, both Government and public, as well as of private interest to landowners with sporting interests. The joint working arrangements between DCS and its other statutory agency partners are increasingly being demonstrated to be effective on the ground and through good on the ground partnerships have gained the support of most private and public stakeholders.

This partnership approach to deer management is helping to deliver Scottish Government commitments to ensure that 80% of the features of SSSIs are in favourable condition by 2008 (and 95% by 2010), and to reverse biodiversity loss by 2010. It also reflects the wider aspiration of the Scottish Government to deliver against its 5 key priority areas, a number of which also fall within the remit of LINK member organisations;

- Wealthier and Fairer
- Healthier
- Safer and Stronger
- Smarter
- Greener.

The document makes the critical link with other Scottish Government strategies for agriculture, forestry, and biodiversity amongst others.

We particularly welcome the recognition by the draft document of the importance of managing deer at the deer range and eco-system level as this will be fundamental towards delivering against a number of the above overarching public policy objectives.

In places, this strategy needs to be clearer between the objectives and the actions and should prioritise those, which help meet Government key targets.

We see a wider role for joint working between the agencies to pick up matters such as management of deer beyond designated sites given the interaction with domestic livestock, as well as on issues pertaining to climate change mitigation. On such issues, land managers require practical advice and guidance from DCS and the other partner agencies.

4. Specific Points on the Deer Strategy

Whilst we acknowledge and agree the general approach of this strategy, we make the following points of detail;

- The strategy should be clear about the definition of “deer management”, in order to reflect the ecological as well as the sporting and other recreational interests in deer. The definition of what constitutes “sustainable deer management”, as set out in “The Vision” on page 10 of the document, goes some way in this direction, and is a significant step forward. However, we are disappointed that one of the objectives of the strategy will be “minimising” any adverse impact of wild deer on nature and natural systems”. This paragraph should be more positive and refer to **enhancement** of the natural heritage. This would be consistent with the biodiversity duty obligations and expressed approach of the Scottish Government under the terms of the Nature Conservation (Scotland) Act 2004. Deer are also a fundamental part of the natural system so the present wording of the text in this section of the document does not make sense. A suggested alternative wording would be “enhancing the value of nature and natural systems and the role of deer within them”.
- We support the high priority given in this strategy to securing the favourable condition of the features of designated sites. We refer to objective 6.1c on page 14 and action 7.1.1 on page 17. The Scottish Government has set clear objectives for SNH to meet in relation to the favourable condition of the features of SSSIs with tight deadlines for delivery. We support the progress made by DCS and the joint working process to date and encourage greater public investment in the future for this initiative. It is clear from the statistics relating to damage to designated sites that deer management has a significant role to play in helping meet the habitat and species targets for designated sites. We also understand that there is a lot more work that requires to be undertaken with new sites coming onto the joint agency work programme over the next couple of years. Once favourable condition targets have been met there will a requirement for DCS and the joint working partners to **maintain** sites in favourable condition with continued deer management where relevant, and this last issue should be highlighted to a greater extent within the strategy (note also comments later on resources required to deliver the strategy).
- We support the recognition given in the Strategy towards the conservation of priority biodiversity beyond designated sites (Pages 14 and 17 paragraphs 6.1 d and 7.1.2). Deer management will be required in some places outside designated sites to assist with the conservation of some species. There are ten UK Biodiversity Action Plan (BAP) habitat types in the uplands that are impacted by deer browsing, which in turn has an impact on some UK BAP priority species.

For example, both black grouse and capercaillie are identified as priority species in the Scottish Natural Heritage Species Action Framework and Scottish Forestry Strategy and are BAP species. There should be a review by DCS of the other key “dispersed” biodiversity species where deer management could play a significant role in the conservation effort (taking account of the SNH Species Action Framework/BAP etc.) and a plan of action developed to target sustainable deer management to appropriate locations outside designated sites. This would also be best delivered through joint agency working. A number of LINK bodies would be keen to help DCS with this process. We note and welcome current studies funded by DCS that are looking at the diffuse impacts of deer browsing in the countryside beyond designated sites and trust that the results of these studies will inform future policy development.

- The strategy should seek to clarify land management objectives outside designated sites. How does “appropriate vegetation cover” with reference to grazing densities of both domestic and wild animals (page 15 paragraph 6.1 f). How does this differ (if at all) from an appropriate vegetation cover needed to conserve and enhance biodiversity in the wider countryside (page 14 paragraph 6.1 d)? Whilst we recognise that this may be a difficult task, we believe that the strategy should at the very least put in place a mechanism for resolving this issue and coming to an agreed inter-agency line to provide clear objectives and future guidance to landowners, who require practical land management advice. This action and future advice is again perhaps best delivered through the joint agency working process.
- Delivery of this strategy, and the public interest in relation to deer management, remains rooted in the overarching statutory framework of the Deer (Scotland) Act 2006. This is understandable given the current restricted and imperfect legal framework of the Deer Act, as well as the legal status of deer as *res nullius*. Under these circumstances, it is very doubtful whether landowners bear any responsibility for the impacts of deer, whether they are permanently or temporarily resident on their land. There should be a review of the adequacy of existing legislation, notably the Deer (Scotland) Act 1996, which in our opinion is looking increasingly out of date.
- Deer management is incongruous with respect to other land use sectors, such as agriculture and forestry, where there is an overarching statutory framework, which effectively recognises the public interest, and within which private interests operate. These other public land use frameworks operate through regulation, but public incentives are also in place to encourage compliance and best practice. Under the Scottish Government’s Rural Development Contracts, there will be an increasing requirement for those in the deer management sector to integrate with other land uses and help deliver public objectives. Indeed, it has

already been made clear by the Scottish Government that there will be deer management incentives in place as part of the Rural Development Contract initiative to help secure some of these public objectives. We feel that this strategy should reflect this wider situation and indeed there should be provision made to review the current voluntary deer management arrangements to establish if they remain suitable within the wider Scottish Government integrated land use context, and the need for delivery of public policy objectives.

- We would like to see an agreed standard for deer management plans and a timescale set for production of such plans by all Deer Management Groups. In the objective 6.1 e, there is an objective set to manage deer as part of functioning ecosystems. It is not clear in the actions how this is to be delivered in practice, although we assume that deer management planning will have a significant role to play? DCS should review early in the life of this strategy whether the current Deer Management Group areas are appropriate or whether these should be based on deer range or wider ecosystem or other relevant public policy criteria. Public resources should be made available as appropriate to carry out this exercise. These plans should be available for public comment and a structure put in place to incorporate the wider public interest. These plans should be integrated with plans from other Scottish Government agencies for the delivery of the natural heritage, water quality and so forth. If an appropriate deer management planning structure cannot be put in place through the voluntary approach and implementation achieved within a reasonable timescale, there may be a solid case for a more formal statutory structure and reform of deer legislation.

Recommendation

In this regard, we propose statutory Deer Management Groups based on sensible ecosystem units with paid local project officers who have the principle job of developing and implementing the management plan. This role should help to facilitate the compromises between different interests. It could also establish the required monitoring procedures. Deer legislation should be amended to give powers to these groups. We note that this principle is established by the Salmon Fishery Boards.

- This strategy makes little reference to the financial resources that will be required to deliver its objectives. Whilst the strategy gives support to the voluntary private approach, it needs to be established whether this approach is sustainable or whether there is a need for greater public investment. Will this voluntary approach be sufficient to deliver the multiple public objectives that are now expected from the management of the uplands, including deer management (for example delivery of Water Framework Directive and measures to tackle climate change)? The restoration and maintenance of the features of SSSIs/Natura 2000

obligations, where deer management is an identified issue, will on its own have significant resource implications. We think that this strategy should make it clear that important new resources will be required to deliver its objectives. LINK supports the prioritisation of such public resources towards deer management where tangible public benefits will be delivered.

- We believe that the Strategy should pay greater attention to the issues that may arise following reform of the Common Agricultural Policy. Whilst this is mentioned briefly in paragraph 2.3 on page 7, it does not seem to follow through from there into the objectives and actions. For example, we cannot find reference to this on Page 12 section 4 under “Key issues to address” and “cross cutting issues”. It is already clear that widespread removal of domestic livestock is taking place from hill areas. This process could result in greater opportunities for red deer, in particular, to replace livestock, as well as greater fecundity of deer. We are unclear from the strategy how this issue is going to be addressed. There is some inference that the matter of the SRDP is a separate issue and not central to the purpose of this strategy. We believe that this should not be the case, and DCS should be influencing the SRDP measures to take account of this matter, and developing its own policies in this document.
- We welcome the section on scrutinising the economic costs and benefits of wild deer (Pages 20/21 paragraph 7.2.1 and 7.2.2). However, we are concerned that this is based on an incomplete economic model. We recommend that the model is reviewed by a respected wildlife economist and that any recommendations are taken forward in the new strategy. We also support measures to enhance the non-use value (for example wildlife watching and other tourism opportunities) of deer set on Page 22 in 7.3.1. The value of deer management and venison production to the Scottish economy is well understood through the recent PACEC report. However, the non-use values of deer are not similarly recognised, and the costs of damage to agriculture, forestry and biodiversity are less well established. We suggest that this point is inserted into objective 6.2 b on page 15 and paragraph 7.2.2 “Actions contributing to sustainable economic development” on page 18. A better understanding of these wider issues related to deer beyond the sporting economy, would reinforce the argument for greater public resources for DCS to carry out its functions, as well as establish the platform for further joint working with other Government agencies.
- In section 7.31 reference is made to increasing the opportunities for observing and enjoying wild deer. Whilst this is to be encouraged, we stress that this cannot override the important job of safeguarding our natural heritage. In circumstances where deer damage is established to important habitats, it is essential that the required measures to reduce numbers are maintained. It is possible to show people deer in locations, where there are minimal natural heritage threats.

- We support the principle of trying to stop the spread of non-native species of deer set out in objective 6.1 b on page 14. On a small point of detail, the box on Sika on page 11 of the strategy should make reference to the red deer refugia. We are not sure that the objective set out in paragraph 6.1(b) of seeking to minimise the further spread of non-native deer species, particularly sika, is realistic; however we support the principle. This policy should be consistent with other Government policies relating to non-native species. Ill informed introductions of non-native species may result in large financial costs to the public as well as significant damage to native fauna and flora. We understand that DCS are already in the process of taking legislative steps to prevent unauthorised introductions of non-native deer, and this is to be welcomed.
- The role of deer in shaping the landscape should be given greater prominence within the strategy. At the very least, landscape should appear in the flow diagram on page 6 as a background issue. There should also be reference here to the production of landscape scale viable and robust eco-systems. There should be an objective relating to landscape. It is mentioned under 7.1.2 on page 18, however this may not be the correct place, as the over-riding objective in this section relates only to biodiversity. We feel that on balance, landscape merits its own section and objective. It should also be noted in this respect that deer fencing is visually intrusive in the landscape, a hindrance to access (thus contradicting access legislation), and when poorly sited a serious problem for the natural heritage (for example in areas with capercaillie and black grouse populations).
- The strategy does not refer to the possible reintroduction of large predators. There is much current discussion about the reintroduction of the wolf and the lynx, and whilst these proposals may be some way from coming to fruition, it is sensible that the strategy highlights this possibility and the implications for deer, as some of the likely main prey species.
- The strategy needs to have a clear focus on climate change mitigation. It is identified as one of the key issues to address on page 12, but the actions set out in paragraph 7.1.3 on page 19 require further development in our view. In this latter paragraph, mention is made of the importance of protecting peatlands and provision of habitat networks, with which we agree. However, we are not clear from his strategy whether other policies are in place to deal with climate change and what practical guidance will be provided by DCS to land managers. What will be the response of the deer population, if winter survival and fecundity increase? How does this interact with potentially more grazing becoming available following CAP reform and removal of domestic livestock (see also point above)? We agree that measures need to be taken to improve the

“robustness” of habitats and therefore improve their ability to adapt to climate change, but how is this to be delivered in partnership with other relevant Scottish Government agencies? On this point, the strategy needs to be clearer.

- Chapter 7.3 sets out the actions that contribute to social well-being. We consider these some of these actions are too narrow in scope. For example, there is a need to recognise that taking access to the hills not only allows visitors to see deer, but also enhances their health and enjoyment of the natural environment. We suggest that the tasks should recognise the benefits of healthy exercise and propose initiatives to encourage people and land managers to manage outdoors access responsibly (consistent with the Scottish Outdoors Access Code), not merely be pointed towards a deer watching business.
- All “indicators” referred to in the strategy should have a timescale for delivery attached. In general the targets and deliverables arising from this strategy need to be made clearer so that DCS and the other agencies can be judged by the Scottish Parliament on their performance in delivering public outcomes.

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