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Address to Lowland Deer Network Conference: 14 November 2011

Introduction

Chairman, ladies and gentlemen, thank you for your kind invitation to speak at your conference – I must acknowledge the high level of knowledge and breadth of expertise represented here today.

The management of lowland deer is of course a major emerging issue and one that was central to the thinking behind the changes to the Deer Act which were introduced via the Wildlife and Natural Environment Act – or WANE Act – earlier this year. In recent years we have seen deer populations spring up in new and unexpected places, and sometimes in greatly increased numbers.

This can have an impact on people and the environment, often in new ways. The WANE Act is intended to deliver the public interest in deer management and clarify who needs to take action in relation to the management of deer. It should also help in the resolution of disputes.

DCS/ SNH merger

It is nearly a year and a half since the Public Services Reform (Scotland) Act brought about the merger of DCS and SNH and, although a final evaluation will take place in 2012, SNH reported in February that greater savings than anticipated were being achieved and that staff and stakeholders were supportive of the merger.

Before the merger took place it was acknowledged that there was a clear overlap between the roles of DCS and SNH and that the skills of DCS staff would be a huge asset to SNH. However, ensuring a successful transfer of functions into one organisation did not just happen over night.

This merger has involved considerable consultation and preparation before, during and after parliamentary scrutiny of the Act. All those involved in the merger have worked hard for what has been achieved so far and this includes ADMG role as members of the reference group to the merger programme board. Integrating the functions of DCS with those of SNH have given the merged body a stronger focus on the benefits to Scotland's economy from the management of wildlife and improved the overall service delivery to customers while also helping to make the most of the natural assets that Scotland has to offer.

Wild deer strategy

We should also recall the thinking that our approach to deer policy is based on. The strategy document – Scotland's Wild Deer - a National Approach sets out how deer management can contribute to:

- a high quality and robust environment;
- sustainable economic environment; and
- social well being.

WANE (Scotland) Act 2011 – public interest

During the debate on the WANE Bill it was clear that certain NGOs wished to see a statutory requirement for deer management planning, with each and every management plan approved by a Government agency.

This Government did not opt for that approach. The cost in time and resources to SNH would have been serious enough – and would have been much more significant for individuals and businesses managing deer.

So the legislation retained the voluntary principle, with suitable enforcement powers, backed up with a code of practice on deer management – of which more later. The important thing is that deer managers and deer management groups deliver what they have been entrusted to do – that is the public interest in deer management. That may be protection of the natural environment; ensuring public safety by reducing deer vehicle collisions; or promoting deer welfare. It may also be found in securing employment in rural areas or promoting quality, sustainable local venison.

Of course I recognise the good work that is being carried out by individuals and deer management groups in Scotland. These Groups can be very effective in delivering collaborative deer management, particularly where members have the same land use objectives.

But at least they provide a forum and an opportunity for discussion and hopefully agreement. The question is how to extend and adapt those practices to other areas in the lowlands. For Government the important thing is that deer management delivers the public interest.

Enforcement and the Deer code of practice

As I mentioned, in developing the WANE Act, Ministers retained the voluntary principle in deer management. But the intervention powers available to SNH were refined to make them more usable and more timely.

WANE also provided for the development of a code of practice on deer management, intended to support deer managers and provide practical guidance on what they need to do to deliver good practice. The code was developed in close co-operation with stakeholders and I was pleased to approve it without modification.

The next stage is for it to be considered, and hopefully approved, by the Scottish Parliament. SNH is also developing further related guidance under the existing Wild Deer Best Practice Guidance.

The Code is intended to support deer managers by providing guidance and setting out how to comply with relevant legislation. But failure to comply with the Code will not in itself constitute an offence. Rather SNH will have a duty to monitor compliance with the code and take this into account when considering enforcement action.

A higher standard is required of public bodies – they will be required to have regard to guidance from SNH.

The intervention powers retain the use of voluntary control agreements, as well as control schemes and powers to take emergency measures.

However, the grounds for intervention have been widened to include damage to the welfare of deer and damage to the public interest of a social, economic or environmental nature. Furthermore, the onus is put on SNH to set out the steps that must be taken to remedy damage and to review progress at least once a year so that everyone is clear where they stand and what they need to do.

Managing lowland and urban deer

I think we are all aware of an increase in the deer population, in certain parts of the lowlands and on the fringes of urban areas. This has resulted in new and unexpected impacts and we need to consider how to manage our reaction to that.

As most of you here will know, the increased population of deer, particularly roe deer, have a wide range of impacts such as damage to agriculture, forestry, and even parks and gardens. They can also cause a public safety risk through deer vehicle collisions. Motorists in the affected parts of the north of Scotland generally know at what time of year and on what stretch of road to watch out for deer – although regrettably accidents do still occur. But the presence of deer alongside busy major roads and even motorways is relatively new.

I commend the work that the Deer Commission, and now SNH, has done in relation to the Deer Vehicle Collisions project, to monitor incidents, provide suitable warning signs and raise awareness of the dangers in motorists. However, this remains an area of where we must remain vigilant.

At my own home in Banff I frequently see deer. There are roe deer in the area and the occasional red deer. Although there is no local deer management group there is local collaboration between SNH and local authorities to address public safety concerns on Aberdeenshire roads.

Other problems can arise with deer in urban areas, leading to wildlife crime such as poaching and deer welfare problems with deer being hunted with dogs or the use of unauthorised weapons.

Of course there are benefits too. Most people are delighted to see deer and they bring economic benefits through tourism and sport as well as providing a source of income from the sale of venison.

But deer need to be managed. And there are areas where there is no tradition of this being done, with no structures to support deer management. We have already seen good work from DCS and SNH in supporting the Forest Research work on the “Management of Deer in Peri-Urban Scotland”.

The WANE Act and the Deer Code will help with advice, the resolution of disputes and refined intervention powers. But we also need to raise awareness of the responsibilities of deer managers.

That is why I am pleased that your Association, together with support from SNH and the Forestry Commission, have taken the initiative to look at these issues and start working towards the development of management structures. This will help to develop a framework for those with responsibilities for deer management to draw up plans for the management of deer and to collaborate in their implementation.

Winding up

And so, in conclusion, we have wonderful benefits in Scotland, in the enjoyment of our natural heritage. Deer play a large part in that – but there are responsibilities too. The legislation and guidance from SNH can assist up to a point. But we need people on the ground to address their responsibilities. Therefore, I welcome this initiative to develop structures to help people do just that.

I must thank you for the opportunity to speak here today and I trust that you will enjoy a useful conference.