

THE ASSYNT DEER ARGUMENT- WHAT IS IT ALL ABOUT?



Introduction

People will be aware of the argument bubbling away in Assynt at the moment regarding deer and woodland regeneration. For many years now, this has been one of the most significant and seemingly intractable land use disputes in Scotland, gaining a national and political profile, and frequently boiling over in to the pages of the local and national press. The current review of deer management provisions in Scotland arose largely from the situation surrounding the Ardvour woodlands which are designated as both a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC).

Now, in the summer of 2017, Scottish Natural Heritage (SNH) are preparing to use their full powers of intervention for the first time in order to protect the natural heritage on this site. Many people will welcome this, and will probably think that it is not before time.

Having seen many woodlands throughout Scotland over many years, and having some working knowledge of both the woodland and deer sides of the equation, I can say fairly categorically that there is a lot more going on here than meets the eye, and all is not what it might seem. The Assynt deer argument will rumble on until we understand what it is really all about, and the purpose of this article is to try and throw some light on that.

What the argument is not about

There are three aspects of this story that we need to discount at the outset.

Firstly, this is not a case of rich, intransigent private landowners not engaging with a conservation issue and who have this all coming to them. The private landowners on the Assynt Peninsula are all fairly small. The two biggest landowners are an environmental NGO, the John Muir Trust (JMT), and a community group, the Assynt Crofters Trust (ACT), who pioneered the first

significant community buyout of land in the Highlands in 1993. It will soon be their 25th anniversary. ACT represent thirteen crofting townships in the area, and many hundreds of people, and it is they who are heading up the fight against government intervention at the moment.

So, this is not an argument about government and conservationists against big landowners. The biggest landowners here are the local community, and that is interesting, and confusing, on a number of levels. There is an expectation in Scotland that if big estates were broken up or taken over by local communities, that people would manage deer in a different way and reduce numbers very considerably. In the course of developing deer plans in recent years, I have come across 4-5 community groups, all of whom manage their own deer, or who at least have the right to do so but lease this to some-one else. What is interesting is that, almost without exception, they choose to continue, more or less, with what was taking place before- ie. they tend to retain deer numbers at previous levels, and manage them in more or less the same way. The reason for this is that income earned from deer is usually unrestricted and flexible. For many community groups, income from other sources will often be tied to a particular project, and must be used for that particular purpose, be it a woodland planting, building site or whatever. Income earned from deer can be used more flexibly, or retained in a bank account for a rainy day if required. It can be proportionately much more valuable than restricted income, and in some cases, it is the only significant earned income that these groups have got.

Secondly, this argument is not about the deer legislation and the powers that SNH do or do not have. I know some landowners will think that if this argument persists, then that is a sign that the legislation cannot be made to work, and it may then encourage the Scottish Government to consider additional powers.

The issue here is that the situation has not been analyzed properly. Too much time has been focused on the politics and the process, and too little on understanding what is actually going on. Albert Einstein said that he would spend 90 percent of his time trying to understand the problem. If he did that, he only needed 10 percent of his time to find the solution. And he was dealing with issues that were a lot more complex than this.

It is the analysis here that is at fault, not the legislation.

Finally, this issue is now categorically not about the John Muir Trust. JMT have played their part in all this in the past, but the narrative and atmosphere have changed now. There is much less emphasis on the rhetoric, and much more focus on addressing the actual issues. It was JMT staff who suggested the population model that all other group members now accept. In return, the deer group have supported targeted out-of- season (OOS) deer culling in and around the key woodland areas to try and deter deer from becoming established there in the spring, and this has already been implemented, including by the private estate involved. The argument for doing this is now accepted on this particular site. The dynamic within the area has changed. JMT are no longer the problem.

The problem now is SNH.

Understanding the problem

The basic issue here is that the way in which the woods at Ardvar have been portrayed is fundamentally different from how these woods actually are.

When Ardvar was first being discussed by the SNH board in 2014, the woods were described in the following terms:

“The woodlands of Ardvar SSSI and SAC, notified for upland birch woodland and old, sessile, oakwood habitats respectively, are in unfavourable condition as a result of prolonged grazing pressure from red deer. This has led to an impoverished ground flora, poor age structure with senescent trees and no regeneration beyond seedling stage.”

This description is fairly clear and unambiguous. Elsewhere, the word “moribund” is used fairly liberally in relation to the site, and others talked about how the woodland was “dying”. It was all very melodramatic, and all this had a ready and intended audience.

When I went to Ardvar for the first time in 2014, as a contractor for SNH by the way, I was fairly clear in my own mind what I would be going to see. The information I had was the same as was available to SNH board members, and they will have drawn the same conclusion as myself, namely that this was a real problem site, the future of the woodland was at stake, and the urgency to act was immediate.

My job in 2014 was to mark out fenced woodland enclosures. This was made more difficult for me because much of the woodland was younger than I had expected, and I was being encouraged to mark regeneration enclosures in areas where regeneration had already taken place. Eventually, a number of fenced enclosures were agreed, targeting the weaker parts of the woodland habitat network, and using the opportunity to do some enrichment planting with species that were badly under-represented in the woodland. These enclosures are being built at present. There wasn't sufficient time to properly map the areas of regeneration, but there was no denying that this regeneration was there, and in 2016, the Forestry Commission did indeed pay out grant funding on the back of the regeneration that had been achieved. To be clear, this was birch regeneration that had arisen within the woodlands without the need for fences, delivered by deer control alone, and it was mostly on the private estate involved. ACT and JMT both had additional amounts as well. One government agency was paying out grant funding on regeneration which they had verified, while another government agency was saying that this regeneration did not even exist.

At the SNH board meeting in June 2016, the above paragraph was used again. This time, “no regeneration” was changed to “little regeneration”, but otherwise, the description was the same.

The board paper then went on to quantify the regeneration at Ardvar, and indeed, they quoted the work I had done which highlighted this. However, they finished their paragraph with the words:

"However this is in areas that are fairly inaccessible to deer and the overall condition of the designated woodland remains unfavourable declining."

This is categorically untrue. All the mapped areas were accessible to deer. SNH knew that.



Regeneration in woods at Ardvar, July 2017

SNH published a blog two days before the June 2016 board meeting, and material received through Freedom of Information (FOI) by Ardvar Estate shows that there was considerable discussion about the timing of this blog and its purpose, which was essentially to portray the woodland as grossly overgrazed to the media and any other interested parties, including, presumably, SNH's own board members. Again, playing to the crowd.

The picture used, below, is unambiguous in what it is intended to portray, although it does not actually appear to be from Ardvar. If it is, it was taken very selectively. The woods at Ardvar do not look like this.



There is no question that the picture used here is of a woodland degenerating and falling apart, and the intention is to underline that message. A second picture of a badly browsed rowan seedling is then used to reinforce this:



There is no such thing as a single representative photograph of Ardvar, but there is a significant younger generation of trees as well, and any accurate description of the woodlands there would have to refer to this. This photograph, below, shows what much of the 1980's regeneration looks like now, and is much more representative of broad swathes of the current woodland area:



The FOI material has an email from the SNH employee who sponsored the board paper, discussing the contents on 29th June, the day before the meeting. This was their final rain check.

One line stands out:

"It appears that the Board paper may undersell the level of existing regeneration, though we would need to confirm this in slower time."

What am I saying here? The FOI material shows very clearly that Ardvar was being set up as the first area to be subject to a Section 8 Control order. For both board meetings, Ardvar was described as a "case study" in to why deer legislation did not really work in Scotland. The material shows that SNH were under political pressure to impose a control order, although to be fair, the actual Minister at the time, Paul Wheelhouse MSP, does appear to be more level headed than others. These others, their names redacted in the FOI material, were constantly having to have their "expectations managed" by SNH.

SNH officers have knowingly misrepresented the status of the Ardvar woodlands in order to get permission to impose a Section 8 order. The statement above shows they knew this. The implication of the words "*we would need to confirm in slower time*" strongly suggests that the priority was to get the decision required first, and that the evidence would have to catch up in due course.

The woodland situation at Ardvar does not warrant a control order. To get one, the situation there has had to be misrepresented to SNH board members, the Scottish parliament and the public more generally. This is a serious allegation to

make, but the evidence available all points in this direction. There is no ambiguity about this.

If you look at the Ardvar woodlands and set the recent history to one side, you see a complex of 10-12 separate woodlands, with considerable variation between them. There is a mixed age structure, albeit skewed towards older trees in some areas. SNH themselves have documented a very considerable pulse of regeneration in the 1980's after sheep had been removed, and extended the designated area to make allowances for that. There is current regeneration there too, at a fairly significant level. The current Forestry Grant Scheme requires established regeneration at 400 stems per hectare for a successful claim. Ardvar already has average established regeneration at this level across the whole site, evidenced by SNH's own monitoring in 2016. The distribution is not right in that the regeneration is too clumped, and the species composition is not what SNH would like, but the starting point is actually very promising. This situation simply does not warrant a control order of any sort, and the Assynt crofters and others are perfectly within their rights to refuse to sign one.

And there's more.....

The above issue is the most important issue to understand here, but there are a number of other issues of concern as well in how the situation at Ardvar has been analysed.

The deer count data

There have been nine helicopter deer counts at Ardvar over eleven years, a huge amount of effort and expense. The two most recent counts show the deer population doubling between November 2014 and February 2016. This cannot be explained by under culling or increased recruitment, unless every hind in the area had three calves each in 2015. The only explanation for this increase is that deer have come in to Assynt from outside the area. Everyone agrees with this analysis. SNH do not, but they cannot offer any other credible explanation. This movement makes their suggested population model invalid, and this is why Group members will not accept it. SNH are not heeding their own evidence, collected at very considerable expense. Group members are happy to accept it.

The deer level required

SNH suggest that the expected outcomes can be achieved at 7 deer per sq km, and that only very minor changes to deer management practices are required. If securing the establishing birch regeneration was the outcome required, then this would indeed be possible, but the outcome required by SNH is the regeneration of a full suite of tree species, some of which are extremely palatable, and many of which do not exist as a seed source to any extent. In a landscape like west Sutherland, the deer densities required to achieve these outcomes would be more like 2-3 per sq km. At this level, all properties in the area could effectively forget about having any income from deer, and almost certainly, there would no longer be a deer group because no-one would then be motivated to spend time attending one. The "adaptive management" envisaged and confirmed by SNH will effectively remove deer management as a meaningful land use on the Assynt peninsula. Some people might well say that this is a good thing but, again, it is a

misrepresentation of the highest order to pretend otherwise and that this will not happen.



Red deer do have a real and tangible economic value in Assynt

Some in SNH question if the figure of 2-3 deer per sq km would be necessary, and indeed, this is a matter of judgement, but most people in Scotland quote deer densities of 4-5 deer per sq km as the accepted density required to regenerate trees, and many environmental NGOs will quote the European densities of 1-2 deer per sq km. To get the full suite of tree species regenerating in West Sutherland, with much of the ground dominated by wet heath and blanket bog, the deer densities must be right at the very bottom end of the spectrum. That is a reasonable judgement to make.

What sort of woods are these?

The Ardvar woodlands are designated as both upland birch woodlands, and western acidic oak woodlands. Clearly, they are birch woods, and their significant extent within a Sutherland landscape does warrant their SSSI designation. No-one disputes that, and the extent of regeneration would give you optimism that this will continue.

The area is however also classified as an oak wood, largely because it and a further site to the north are the most northerly sites for oak in the country. But, you will struggle to find any oak trees at Ardvar, because there are probably less than ten of them in total. The citation for the SAC feature says they are present throughout the woods, but this is not true. They are also described as being outstanding examples of this habitat in a European context, but this is not true either. They are extremely impoverished oak woodlands, if they can be described as this now at all. The likelihood is that the oak was stripped out when people were cleared to the coast here two hundred years ago.



The green tree in the middle here is one of very few oak trees at Ardvar. This is not an oak woodland, it is a birch wood with a small number of oak trees in it.

It is very debatable if these woods should be classified as oak woodlands at all, and they are certainly not worthy of this higher level of designation. SNH say an oak woodland doesn't necessarily need to have oak trees in it. A senior SNH woodland advisor used a phrase which is simply too good not to repeat, "*Chicken flavoured crisps don't actually need to have any chicken in them....*"

Do you ever get the feeling that people are sometimes making up their own rules?

Flexibility or not

SNH say their hands are tied by EU legislation, and they have no flexibility with regards to timing or the approach they take to this, but this is not true either. EU legislation does detail the outcomes expected which can be legally enforced, but more often than not, it leaves the detail to the member state or devolved administration to decide. And lets be clear about this, just about every other EU country totally ignores whatever environmental legislation it is not comfortable with, and very shortly, none of this will be any of the EU's concern anyway. If we get the opportunity to create our own rules that are flexible and more workable, then we need to make sure that we do that.

The flexibility being sought at Ardvar reflects our view that these woods are growing on difficult sites and full restoration will take many decades if not centuries. We can secure the woodland extent by regenerating birch. If we are lucky, saplings of other species will become established within birch thickets, and there are examples of oak, aspen and hazel getting away within birch trees at Ardvar. There are examples of holly becoming established, dog rose as well. We can achieve progress, but progress here will be slow, and we have to accept that.

The woodland regeneration in Norway that is fashionable to discuss in polite company started 150 years ago, and the peak spread is probably yet to come. These things take this amount of time.

In conclusion

The Assynt Crofters Trust have taken on this issue and I have supported them because their case is very, very strong. We have struggled to make our case by reasoning with people or focusing on the evidence. Appealing directly to the SNH board has not been effective either, although some members are clearly uncomfortable and uncertain why two fundamentally different views can be made of the one site. Our final resort is to throw this open to the court of public opinion.

As a woodland advisor, I know fine well that there are sites in Scotland that are heavily impacted by deer and where people will not engage, and government intervention is entirely justified in those situations. It is not justified at Ardvar, and it is only being considered here because of very intense political and NGO lobbying pressure to do so, repeating the same generic argument over and over. There is a saying, "*It's easy to convince others of falsehoods merely by repeating them. Familiarity [with the general argument] is not easily distinguished from truth.*" The truth at Ardvar and what is actually going on have been an afterthought, but this is easy to demonstrate, and SNH must always have known that they were vulnerable to some-one doing this. A reporter and a television crew is all that is required.

But there is a bigger issue here for everyone, government and landowners alike. Many situations of this type are not black and white, and different interpretations can be given. Many ecological processes are very slow, and while the direction of travel may be appropriate in many areas, it might be a long time before you actually get there. Forcing the pace of change can often be ecologically inappropriate, and in the case of Assynt, it would certainly lead to loss of income from the area, for very questionable benefit. From a government perspective, inappropriate intervention can be contentious and massively expensive. The likely cost for Ardvar is already touching £1 million, if you take SNH staff time, helicopter counts, external costs, fencing costs and income foregone from lost stalking in to account. And there is no end in sight to this unless a different approach is taken.

It is completely counter productive in Scotland to set an overall narrative which you claim covers all situations, and then try to apply this in practice to individual sites. For all those of us asked to advise on these things, we have to look at the evidence on a case by case basis, and make recommendations on that. The situation at Ardvar should be one that gives people confidence. Group members now not only accept that it is possible to regenerate trees in the presence of deer, but it is apparent that they have been doing this all along. While everyone has been arguing about this, the trees have been growing.

As the American ecologist and philosopher Aldo Leopold once said when asked to look at a neighbour's wood, "The trees are getting bigger." Well, yes. Quite. No further analysis or interpretation is required. It is time to bring this particular argument to a close now.

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