

ADMG AGM – 18 March 2020

Chairman's Report

May I start by paying tribute for a moment to Jim Payne of Ardvar, who sadly died at Christmas time – a longstanding Committee member, Chair for a time of WSDMG and a great supporter.

2019 was a year of examination and review, a process which is carrying over into 2020. We have had two Government reports to respond to, a recent successful Parliamentary event and, with the prospect of the Deer Review now moving to the Holyrood Committee stage and, in due course, decisions from the Cabinet Secretary as to whether further change is necessary, this is already proving to be a year of intense activity for ADMG.

The process started in late 2018 with the Health checks organised and funded by ADMG from our project fund. This largely mirrored in structure SNH's DMG Assessments which we all faced in 2014, 2016 and then again in the Spring of 2019. According to feedback in our members questionnaire last summer, and summarised in the Annual Review which is on the website, DMGs found these Health checks to be useful in identifying areas for particular attention. Hopefully they contributed to the significant progress demonstrated at the actual SNH Assessments, as was reported both by ADMG in its post Assessment report and in the SNH Review report published in November.

I won't go into much of the detail of the SNH Review report which I am sure most of you will have seen but it was pleasing to note the recognition of good progress since 2016, and the "step change" which we were told in 2016 that we had to make. To pick out a few key phrases:

"The overall impression is of an improving picture of deer management in Scotland"

And:

"Culling rates have been sufficient to stop population increase and potentially reduce the population"

But on the other hand:

"The current evidence for DMP implementation in the form of action on the ground is still at a relatively early stage. Delivery of tangible benefits will take longer to emerge."

And:

"The native woodland condition and restoration targets show insufficient progress and should be a priority for future focus"

And lastly:

"Momentum needs to be maintained if we are to meet the emerging priorities associated with climate change and biodiversity loss".

I would sum it up as a cautiously favourable if mixed report, certainly a fairer reflection of the progress and effort of the DMGs than the 2016 Report and we all know that there is more to do in future at a time of such rapid change. I know how much work this has involved for all the DMGs and take the opportunity to congratulate you and thank you all for your commitment.

The stabilisation and now reduction in red deer numbers, down 9% since 2000, was a notable feature of the SNH Report which estimates the red deer population at around 300,000 based on a 2017 study by JHI, representing an average density over the DMG open range area of 9.3 per sq km. Although varying widely between areas, this is below what seems to be the new benchmark of 10, which is proposed as a limit in the DWG report which I will come to below.

On the subject of the SNH Assessments, on which we asked for opinions and comments from you in our questionnaire, while many have acknowledged its usefulness as a measure of progress there is a general view that it is unnecessarily complicated. We are in discussion with SNH about that, including whether the Review and Assessment cycle could be lengthened from three years to five. There is a feeling that the functional part of the Assessment, which is based on the ADMG Benchmark, and is really about how a DMG operates, might be dealt with in a different way, possibly internally within DMGs. The public interest criteria also need to be reconsidered with a view to reducing the number from 56 and removing some duplications. It is still a relatively new system and its use over the first three reviews has indicated that there is room for improvement and for making it a less onerous exercise and we will be discussing that further with SNH and will keep you informed. My expectation is that there will continue to be periodic Assessments in some shape or form.

The DWG Report was published at the end of January. It is a prodigious document running to 374 pages, including 99 recommendations to Government. It represents a very comprehensive review of deer legislation in Scotland and in that respect will be a useful reference work for years to come. Many of the recommendations are about spring cleaning the legislation, tidying up the duplications, contradictions and inconsistencies which are an inevitable part of evolving law which, in this case, is scattered over several bits of primary legislation – the 1959 and 1996 Deer (Scotland) Acts, as well as sections in broader legislation such as the 2011 WANE Act and 2014 Land Reform (Scotland) Act. It recommends a new Deer Act bringing all the legislation together and ironing out the wrinkles which would be helpful, but perhaps not a priority, as we have worked increasingly effectively within the framework that we already have, warts and all. Should the Scottish Government decide to bring forward a new Deer Bill, realistically unlikely before the 2021 election, we must assume that there would be appropriate consultation so that we can have input.

The DWG's evolutionary proposals for change are in many cases not controversial and ADMG, in its detailed commentary sent to the Cabinet Secretary and ECCLR Committee last month, has agreed with many of them.

There are however a number of more radical proposals which merit close attention and about which we have concerns. A number of these will be well known to you, such as proposed further changes in the close seasons, a recommendation for conversion to non-lead ammunition, and the use of night sights. The suggestion that the end of the close season for females should be put back by up to two weeks into mid-September we can agree to be an improvement, but we have objected to the later start which could allow hinds to be culled without Authorisation up to mid-April which many in this audience will consider to be too close to calving. We have also stated our reservations about night sights on identification and safety grounds.

It is notable that this report takes a rather different view of deer management than the cautiously favourable SNH report. In fact, they could be said to be, in some respects, at odds with each other. The DWG view is, in my opinion, backward looking and critical on grounds which no longer apply. In particular it emphasises the negatives, the costs of deer to Society – the cost of the SNH deer budget, the cost to FLS of protecting our plantations and woodlands from unacceptable levels of damage; also, the negative value of deer when it comes to climate change as methane emitters. It fails to strike a balance by identifying the value of deer to Scotland – value to the Scottish economy (£141m according to the PACEC study commissioned by ADMG in 2015), to employment (2530 jobs, also PACEC), the value to tourism, and to biodiversity, and value to the people of Scotland (in the SNH Nature Omnibus 2017 red deer are “top of mind” for 47% of those surveyed, more than any other species).

We also find fault with the report in that it takes very little cognizance of herbivores other than deer. Despite the steady decline in the number of sheep stocks across the Highlands, there are still 600,000 sheep in the area occupied by 300,000 deer, 2 for 1, and, as in grazing terms two sheep are considered to equal one deer, both species have an equivalent impact across the board. There are also feral goats, rabbits and hares which new counting methods are now showing to be plentiful at least in much of the Eastern Highlands. How can we talk intelligently about grazing, browsing and trampling impacts if we are blind to anything other than deer? I cannot tell you often we make that point and it will be reinforced in all our representations on this report.

DWG makes the important point, scarcely a new one as it was put forward vigorously by Patrick Gordon-Duff-Pennington when Chairman of RDC, 25 years ago, that it is not deer numbers and densities that matter, it is all about their impacts. We wholeheartedly agree with that. However, the recommendation that SNH should stop counting deer and concentrate just on assessing the environmental impacts of deer across Scotland as a whole as a basis for possibly setting compulsory culls does seem unrealistic, not to say potentially very costly to the public purse.

We continue to be faced with the argument that there should be much less deer fencing and that, if deer numbers were further reduced, perhaps by half, that woodland would expand over much of the Highlands below the 600m treeline, without protection. Referred to by DWG, this can also be seen in the recent Scottish Environment Link publication “Managing deer for climate, communities and

conservation". I cannot altogether understand this fixation with fencing. Taking a figure from the DWG Report, of the £148m expended by FLS between 2015 and 2019 on woodland creation, only £13m, was spent on fencing, 9%. Of course, it is a cost saving that all would like to make but even if deer ceased to be present in Scotland altogether, as things stand, stock and rabbit fencing would be needed to protect young plantations and expanding native woodlands. DWG also picks up on a comment from the SNH 2016 Report, echoed by LINK, that we could still deliver the same outputs in value terms, ie mainly stalking, assuming 12,000 sporting stags, with a much smaller deer population. We have calculated that, if the cull was mainly of mature stags, as at present, a recruitment rate of 50% would be required. That of course is never achieved except perhaps in deer parks or exceptional forestry situations.

The underlying message from this report is that there are still too many deer in Scotland and more needs to be done to make us reduce numbers further. And it should be said that the SNH report also points the way to further reductions on climate change grounds. But we really need to see evidence for this conclusion. The best evidence now is actually in the DMG habitat impact assessments. There is very little other monitoring being done, SNH having apparently suspended their site condition monitoring programme on designated sites. How then would it be possible for deer management to be regulated solely on the basis of impacts if SNH have to develop a monitoring programme for all of Scotland, more than 7m hectares.

We can agree with the DWG recommendation that if SNH elects to put forward a section 7 Agreement this needs to be based on sound evidence which should be sufficient to also justify escalation to compulsory action under S8 should this be necessary. Indeed, like the ECCLR Committee in 2016, the DWG takes the view that SNH should be prepared to use S8 more readily than previously and should not hold back on the supposition put forward by some that it is unworkable. We can agree, with the proviso that any compulsory action needs to be properly evidenced.

Where we cannot agree is with the proposal, if we understand it right, to beef up S10 of the Deer Act, the emergency powers section, which allows SNH to enter land on minimum notice to deal with an emergency such as a break-in to a fragile designated site or to farmland. DWG proposes that the power under S8 for SNH to recover any costs from the occupier of the land should be added to S10. We have opposed that on the grounds of fairness. Whereas S8 is intended to address ongoing damage situations and will include a requirement to give the occupier of land an opportunity of remedying the problem before taking compulsory action, S10 is a short term emergency power and charging an occupier who may not have been adequately consulted in advance and has no right of appeal, would be inequitable and possibly actionable in the Courts.

I must say that I was surprised that the DWG Report was lukewarm on the need for collaboration and indeed on the importance of DMGs. Our collaboration within the DMGs, privately funded, has been a gift to Government, whether it is recognised or not. I would hope that SNH would acknowledge that the progress which has been achieved voluntarily would have been very much more difficult and costly if individual

landowners had had to be persuaded or compelled to adapt to fast changing priorities in the way that the DMGs have done.

I am equally surprised that DWG also proposes that deer counting and periodic Assessments could be discontinued to allow SNH to put more resources into assessing deer impacts on environmental and other public interests. In our commentary on the Report we have strongly disagreed with that and my suspicion is that SNH is also unconvinced. Red deer, as a highly mobile herd species, can only be managed collaboratively by those for whom they are a shared resource and for the DWG to overlook the effectiveness of DMGs in that regard is inexplicable. In fact, I found the rather dismissive attitude to DMGs and what they have achieved more than a little annoying and a definite wrong note in a document that is in some other respects commendable. Equally their view of mortalities at 1.4% as being excessive and unacceptable from a welfare point of view is to me ridiculous. For comparison the Farm Management Handbook uses a rate of 10% in respect of hill sheep, domestic livestock fully under the care of man, which occupy the same range.

Our commentary on the DWG Report recommendations will go on the website shortly.

This afternoon's seminar will focus mainly on climate change and this is the major development over the last 12 months – the "Climate Emergency". You will also see that it is the main theme of the new issue of Scope where we have used the opportunity to show what many of you are already doing, that we in the deer sector understand the issues and that we are in the front line in delivering the solutions. This is hugely important for us in the deer sector. It is a game changer and the spotlight will be on us as much as, or more than, anyone. Some will see it as yet another reason to claim that there are too many deer and something must be done, indeed, as I said earlier, the SNH report sees it as a driver for further reductions, as indeed does the DWG report.

On the other hand, we can view it as an opportunity, and I would say that that is how we should see it. Two of the main Scottish Government policy measures to reduce carbon emissions are peatland restoration and woodland expansion and, as it happens the majority of Scotland's peatlands and much of the land suitable for woodland expansion lie in the area covered by our DMGs.

This is not a totally new idea for us. Indeed, many DMGs, or, more accurately individual properties within the DMGs, because DMGs can only encourage and support such projects, have already, for several years been getting stuck in to both of these actions. The SNH Report, written last summer includes a figure of 19,000ha of completed peatland restoration to date and while this is just a beginning against a Government target of 250,000ha by 2032, the momentum is building and there are little diggers working in all sorts of remote locations across the Highlands at this moment.

Similarly, 33,349ha of new woodland has been created across the DMGs since 2008, also with more in the pipeline. Yes, some further culls may be necessary locally to compensate for any land converted to woodland or where trampling may

become a problem on restored peat, but I have no doubt that there will still be a place for stalking in the traditional model where that is the most appropriate land use over the extensive areas where trees are not an option.

We are on the right side of the argument here; in a position to make a significant contribution to start to reverse the effects of global warming, a challenge which we all face. That is what we were trying to say in the ADMG publication "Rising to the Challenge" last Autumn, which I hope you will all have seen. More copies are available on request.

To rehearse briefly some of our more routine but nonetheless important work, we have continued to participate in a range of Committees through the year – Moorland Forum, National Access Forum, DMRT, SCSTG, SVA and DMQ Ltd. Thank you to Frank Spencer-Nairn for representing us on NAF and to Tom Turnbull, Vice-Chairman, for taking over most of the others and to Linzi Seivwright for representing us on the rejuvenated Wild Deer Best Practice. We have also been involved in the recent DEFRA consultation on trophy imports/exports and have worked closely with other organisations to oppose any restriction on deer trophy exports which would be very damaging.

We also meet frequently with SNH and have also recently held a twice-yearly meeting with FLS at which we were informed that the FLS female cull will commence on 1 September this year under General Licence and S 5/6 Authorisation. We were also advised that a case by case approach will be taken to deer fencing projects. New arrangements in respect of payment of FLS subscriptions to ADMG were also negotiated. We have asked for a further meeting which will take place at the end of May.

ADMG has proposed a new working group which will bring together ourselves, the environmental NGOs through LINK, hopefully NFUS and forestry representation with the intention that future discussions on deer can take place in the context of other land uses, not, as in the past, wrangling about deer numbers in isolation. The first meeting was in the diary for 20 April but has now been postponed, along with many others.

We held three regional meetings last year, including a particularly interesting one at Alladale. There will be two this year, dates and details to be circulated soon, and we are planning to hold a London members meeting on 15 July the first for some years, details to follow in due course and subject to a return to normality.

We have also published two copies of Scope, the second of which has now been circulated, along with our second Annual Review. I have already mentioned "Rising to the Challenge". And of course, e-Scope is issued on an almost weekly basis whenever there is something important to communicate to you. It seems to be more and more. My particular thanks to Dick Playfair for masterminding all of our communications and publications.

My thanks also to the Executive Committee and particularly those who have helped to work through reports and responses. I am especially grateful to Linzi Seiwright and Victor Clements for a great deal of technical input over the last 12 months. We have also had helpful advice from Professor Josephine Pemberton of Edinburgh University and from Professor Robin Pakeham of JHI. Thanks also to the Regional Committee members who attend DMG meetings, and in some cases chair them – particularly Tom Chetwynd in the North, Lynda Campbell in the West, and Tom Turnbull in Argyll and Perthshire.