

March 2020

Dear Cabinet Secretary

The Management of Wild Deer in Scotland – Report of the Deer Working Group

ADMG has read the Deer Working Group report with considerable interest and I am taking the opportunity to submit our detailed comments (attached) on each of the 99 Report recommendations.

The Report is a commendably comprehensive account of the history of deer management and deer legislation in Scotland and is of considerable value as such. Many of the recommendations address inconsistencies, contradictions and anomalies in the successive pieces of legislation and we acknowledge that there would be some benefit in correcting these and bringing the whole into a single Act. However it should be said that, despite those shortcomings, the 1959 Act with all subsequent additions and amendments, has provided a workable framework for deer management for 60 years and also that, as recognised in the separate SNH 2019 Report “Assessing Progress in Deer Management”, it has been a sufficient basis for significant progress under the voluntary principle over recent years. We would not therefore consider replacement legislation, purely on the grounds of rationalisation, to be a priority.

On the more substantive proposals, in addition to our detailed comments attached, we would wish to make a number of points, as follows:

1. **Deer cost/benefit** - the DWG Report sets out in detail the costs and negative impacts of deer in Scotland but gives little recognition to the value of our largest wild mammal in environmental, economic and social terms. It sets out, for example, the SNH deer budget costs and costs to the forestry sector, but attributes little value to the employment that deer provide (2,532 jobs, PACEC 2014), their contribution to the Scottish economy (£140.8m. PACEC 2014), their importance in rural communities, value to tourism and for venison, or indeed their value to our Society which is evidenced by the SNH Scottish Nature Omnibus which, in 2017, showed red deer as, at 47% of the sample of 1063 respondents, the most “top of mind” of all Scotland’s wildlife species.
2. **Deer numbers/impacts** – the report makes the strong point that the impacts of deer are more important than numbers and densities, and recommends that the criteria for judging “effective deer management” should be impact related. We fully agree with that although the practical implications of how to monitor impacts across the country are considerable and potentially costly. Despite the emphasis on impacts, the thrust of the paper is clearly that there are still too many deer in Scotland and that substantial further reductions are necessary in the interests of biodiversity, the environment and climate change. There is however an apparent contradiction in that the Report recommends a maximum red deer density of 10 deer per sq. km. in the open range, although the 2019 SNH report estimates current average density at 9.3. Densities should reflect carrying capacity which varies widely across Scotland reflecting land type and

taking account of other land uses. It should be said that red deer are now perhaps the only species where numbers are declining, due to culling pressure.

3. **Climate change** - the ADMG view is that addressing climate change is not simply about further heavy reductions in deer numbers, which would have a very significant impact on the rural communities for which they are the primary resource. On the other hand much of the land on which the greatest opportunities to carry out the climate focussed improvements which the Scottish Government is advocating and funding – principally woodland expansion and peatland restoration, lies within the red deer range. Already DMGs and individual land managers have committed strongly to implementing these measures, and will continue to do so. The SNH report states that 19,000 ha of peatland restoration had been carried out by summer 2019 and an increasing number of projects is in the pipeline. On woodland expansion, a total of 33,349ha has been established in the DMG area between 2008 and 2019 inclusive, again with many new projects coming forward for 2020 and beyond.
4. **Herbivore impacts** - While it may have been beyond the remit of the Group to consider species other than deer there is no reference to other herbivores which share the red deer range – hill sheep, feral goats, hares and rabbits. In considering impacts, other herbivores cannot be overlooked if effective management decision making is to achieve environmental change. Sheep and particularly hares are very damaging to young trees if not excluded.
5. **Collaboration and DMGs** - The report does not appear to consider collaborative deer management to be essential, or DMGs as such to be necessary, but points to the possibility of other management models, including in the area where DMGs already exist and, according to the SNH Report, are becoming increasingly effective. While this may be a fair conclusion for territorial deer species in mixed lowland habitats, it appears to overlook the need for red deer, as a free ranging herd animal, to be managed collaboratively by the landholdings which have access to them in a particular population area and for which they are a shared resource.

DWG is right to emphasise that ultimate responsibility for effective deer management falls on individual landowners but this does not obviate the need to work with neighbours in planning and delivering a sustainable population, conforming to targets agreed and set out in a deer management plan. Of particular importance has been the collaboration between FLS and DMGs. FLS has been supportive and hopefully benefits from meeting with neighbouring land managers as members of DMGs.

6. **Assessments and Counts** – DWG takes the view that both the SNH DMG Assessment approach and the aerial count programme do not justify the effort and cost involved and that here is a potential area of saving for other deer related purposes. ADMG considers that the assessments have helped

considerably to establish a common standard for DMGs and to measure progress and could continue to be of use in simplified form if less directed at function and more at outputs. It is likely that maintaining and developing the Assessment approach would be less costly than what is proposed by DWG.

7. **Welfare** - Considerable attention is paid in the report to the importance of deer welfare. We follow the reasoning of the Group which leads to their recommendation to allow for a slightly later finish date for the close season for females but have concerns about a later start date by which time some females will be on the point of calving. We do however have welfare concerns about the removal of a close season for males which will have the effect of exposing them to culling disturbance at the most vulnerable time of the year. Similarly night shooting, whether by lamp or, potentially, night sight, also leads to disturbance at the only time when deer are able to feed freely and access areas where there is human activity during daytime. Night shooting can also present an additional human risk as it is more difficult to ensure a safe backstop for a shot and target identification is more difficult. Mortality rates and the body weights of yearlings are not useful measures of deer welfare as they are determined mainly by weather variables.
8. **Ticks and Lyme Disease** – It may be that ticks are now too well established throughout Scotland, including in some lowland and urban areas, to be controlled or eradicated. Deer are undoubtedly, as large mobile animals, implicated in the dispersal of ticks although not carriers of Lyme disease or other zoonotic diseases. However small mammals and birds also carry ticks and controlling deer to reduce ticks will be unlikely now to make any significant difference overall.
9. **Woodlands and fencing** – As experience has shown, protection of woodland from damage by deer cannot be achieved without fencing except at extremely low densities; as few as 1-2 per sq. km. in some known locations. Expansion of woodland is a laudable policy to which DMGs are committing on a considerable scale but there is no escaping the necessity to protect trees from herbivores, including livestock, in the early years of tree establishment. Of note in the report is that FES spent £13m on fencing between 2015 and 2019 out of a total woodland creation budget for the same period of £148m. In other words the fencing cost, much of which would have been incurred even in the absence of any deer to exclude other herbivores, represented 9% of establishment cost.

We have been advised by Scottish Environment LINK that they are pressing for reduced funding for fencing. LINK has long held that major further reductions in deer numbers would allow trees to grow without protection. As noted above, this is not realistic owing to the presence of other herbivores. There are two breeding sheep for every deer in the red deer range not to mention other wild herbivores. NFUS may have a view on the proposal to restrict the use of fencing as sheep are very difficult to manage in woodland besides being

browsers of young trees. Indeed a moratorium on fencing is likely to discourage some planting projects if herbivores cannot be excluded.

10. **Compulsory powers** – ADMG understands and indeed supports the requirement for backstop compulsory powers to protect the public interest. However we have concerns about some aspects of the changes proposed in the Report, in particular what we see as the overlapping of S8 and S10. Although untested it has long been surmised that S8, which provides for Compulsory Control Schemes to address a damage situation over a period and to compel participation, with provision for recovery of costs, is unworkable. Indeed it may require some improvements. S10 has a very different purpose, allowing SNH to intervene to prevent damage in an emergency such as a forest break-in. In contrast to S8 it is essentially a short term measure. What we understand to be proposed is to add the liability for net costs, which is a part of S8, into S10, without providing for prior consultation or appeal. If our understanding is correct we would be obliged to oppose this change on the grounds of fairness. We would also oppose the proposed use of S8 to achieve land enhancement as opposed to preventing damage, as it is currently designed to do.

11. **Deer productivity** - The Report makes reference at several points to the SNH 2016 report which postulates that:
“Available information suggests that if deer densities were lower across much of Scotland the benefits from deer could be largely maintained, and many of the costs (such as deer collisions and impacts on forestry productivity) reduced leading to overall enhanced delivery of public benefits”.
We challenged this statement at the time and consider that it should not be accepted without question and we have requested SNH to state what was the “available information” and what was the evidence or analysis on which it was based. In particular we have asked what is SNH’s perception of the relationship between deer density and public benefit and how this can be expressed in terms of deer impacts. In practical terms a population reduced by say a further 50% to an average of 5 deer per sq. km. would require a recruitment rate of over 50% to maintain present income value, a rate which is never achieved except in some deer parks and very favourable forest situations.

12. **Cull returns** - On cull records we are in favour of a more rigorous approach by SNH to record a much greater proportion of the cull, all species. Returns across Scotland at the level presently achieved for red deer, over 90%, would add greatly to our understanding of deer populations across the country as a whole. The proposal for a national cull database is a potential benefit of more accurate cull recording but, if presented at the level of individual landholdings is likely to raise data protection issues. Our recommendation is for any database to present culls on an area (possibly DMG where appropriate) basis.

13. **Refocussed approach** - There is a proposal that SNH specialist deer staff should operate at a regional or local authority level. It is our perception that that is how SNH deploys its wildlife team at present and, in general, they are effective at building constructive relationships with DMGs, individual deer managers, and a wide range of other interests. The proposal for local Panels of agency and local authority representatives without involving those actually engaged in deer management lacks credibility.

As a general observation, the statutory and governance proposals of the DWG, taken together, appear to move towards a more top-down approach to deer management – cull setting and hunting permits - at a time when devolving power to the local level, to communities, is more the order of the day. We cannot see how DWG can maintain that this could be implemented within a voluntary principle framework.

And finally, we look forward to a time when deer related issues are not presented as adversarial alternatives. Instead of “trees OR deer” or “Climate change OR deer” a more balanced discussion may be possible along the lines of “trees AND deer”. There is room for a genuinely integrated approach in which sustainable deer management has a legitimate and recognised place in Scotland, not least in its potential role in addressing the challenge of climate change.

This letter and our commentary on the DWG recommendations represent a majority position among DMG members. However we should acknowledge that there are now a significant number of members of some DMGs whose principle land management objectives, mainly environmental change, justify, in their view, much lower deer numbers. Their point of view on some aspects of the DWG Report is represented in a letter to me dated 13th February 2020 from the Chair of the LINK Deer Task Force which I understand has been copied to you.

Yours sincerely,

Richard Cooke
Chair
ADMG