

Ministear airson na h-Àrainneachd agus Atharrachadh Aimsir  
Minister for Environment and Climate Change  
Paul Wheelhouse BPA/MSP

F/T: 0845 774 1741  
E: scottish.ministers@scotland.gsi.gov.uk



Rob Gibson MSP  
Convener  
RACCE Committee  
c/o Clerk to the Committee  
Room T3.40  
The Scottish Parliament  
Edinburgh  
EH99 1SP



5 March 2014

Dear Rob

Thank you for your letter of 5 February regarding the Rural Affairs, Climate Change and Environment Committee's enquiry into deer management. I welcome the opportunity to respond on the issues the Committee has raised. I also welcome the positive response from ADMG to the Committee's letter.

My detailed comments are in the attached Annex. I trust you will feel, as I do, that we are substantially in agreement on the majority of these issues.

Kindest regards

**PAUL WHEELHOUSE**

**DEER MANAGEMENT – RESPONSE TO RACCE COMMITTEE - 5 FEBRUARY 2014****Deer populations**

1. Counting is done in certain areas, usually on the open hill, and is extremely useful in informing local deer management decisions. I am aware however of the difficulty in counting deer in forests, mixed woodland/agricultural and urban environments. With regard to the assessment of the National deer population, all the advice I have received points to the difficulty in arriving at a reliable estimate. Bearing that in mind, I welcome the Committee's conclusion that we need to continue to focus on the impacts of deer rather than their absolute numbers. What matters is not so much absolute numbers, but, more importantly, the monitoring of trends in populations. It is also helpful to understand locally what the sustainable deer density is, in order to achieve land management objectives.

**Impacts of Deer – environmental**

2. I too recognise that deer populations are having an impact on Scotland's natural heritage in certain areas. We need to continue to take steps to minimise these impacts, with SNH collaborating with land managers to facilitate improvement, and deploying formal intervention powers where this is necessary. SNH and ADMG are also considering further ways to support DMGs and build capacity to ensure development and delivery of effective, environmentally responsible deer management plans. I would also hope to be able to continue to incentivise the sustainable management of deer to protect designated sites.

3. The impact of herbivores on designated sites is monitored through the SNH Site Condition Monitoring (SCM) scheme, but there is no systematic assessment of the impact of deer on upland habitats outwith designated sites. There are instances of individual estates and DMGs having undertaken Habitat Impact Assessments with SNH support, but it is currently not possible to extrapolate the results across a wider area. This is an issue which SNH is considering further, currently exploring what methods might be appropriate for assessing habitats out with protected areas which will help provide an indicator of changes and their causes.

4. The Native Woodland Survey of Scotland (NWSS) national report was published in February 2014, based on field survey work between 2006 and 2012. All native woods in Scotland were surveyed, and the method included assessing herbivore impacts. One third of native woodlands showed impacts at levels which, if maintained, would prevent future tree regeneration. Some other woods were impacted at lower levels which would be sufficient to restrict the potential diversity of tree species and reduce their biodiversity. Deer were by far the commonest type of herbivore present.

5. As shown by the NWSS, current herbivore impacts (mostly of deer), are widely preventing the implementation of agreed climate change resilience responses for woodland, including promoting natural regeneration, improving condition and reducing fragmentation. This means that many of our native woodlands are becoming less resilient to climate change.

6. FCS, along with partners like SNH, are considering how to keep the NWSS dataset up to date and to continue monitoring the condition of native woodland outside designated sites. Condition within designated sites will continue to be monitored by SNH. Records of successful SRDP applications will also give a perspective on the extent to which these incentives are improving the condition of native woodland.

7. Forest Enterprise Scotland (FES) adopts a sustainable and integrated approach to the management of deer across the National Forest Estate, to protect the wider natural heritage at a local and landscape scale. FES will be publishing its deer management strategy for the National Forest Estate in the coming months. This revised document, will lay out the important role deer play on the National Forest Estate, and how FES will work with stakeholders to manage deer and their impacts.

8. The most recent research on the environmental impact of reduced sheep numbers on uplands is in the 2011 SNH Commissioned Report No. 454 'An Analysis of the Impact on the Natural Heritage of the Decline in Hill Farming in Scotland' – see link below.

<http://www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/publication-detail/?id=1793>

9. The key conclusions highlight that it is difficult to predict long term changes to upland habitats as a result of the decline in livestock farming, due to other factors such as changing deer distribution, other land management practices, including the expansion of sporting management, afforestation and climate change, which will all influence how the vegetation responds.

10. This is supported by the 2013 paper Pollock M.L. et. al. 2013 Reduced Sheep Grazing and Biodiversity: A Novel Approach to Selecting and Measuring Biodiversity Indicators Rangeland Ecology & Management 66(4):387-400, which concludes that deer tend to expand to fill the space left by fewer sheep.

### **Impacts of Deer – economic and social**

11. The economic impact of deer on the Scottish Economy was most recently summarised in Putman, R. (2012). Scoping the economic benefits and costs of wild deer and their management in Scotland. SNH Commissioned Report No. 526 – see link below.

<http://www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/publication-detail/?id=1962>

12. In addition, there is a UK study about to be undertaken by Public and Corporate Economic Consultants Limited (PACEC) on the economic impact of country sports. As part of this project, PACEC will also conduct research on the value of shooting to tourism in Scotland and specifically on the revenue generated by deer stalking in Scotland. This will be published in 2015.

13. It is recognised however that most information is currently available at a national scale, but that costs and impacts may be better understood at a site level. Only a site level approach will articulate the public benefits of an economic or social nature that different land use objectives can deliver. SNH has been working with The James Hutton Institute to develop a methodology for such an approach. This work is ongoing and will ultimately be published as guidance under Wild Deer Best Practice Guidance.

14. SNH, and previously The Deer Commission for Scotland (DCS), led on the Deer Vehicle Collision (DVC) project. The project continues to provide a better understanding of the impact of deer on public safety and to monitor the incidence of DVCs. The project was developed to prioritise areas for mitigation, working with trunk road operators, the SSPCA and the police to raise awareness with motorists. Further information is available via the link below.

<http://www.snh.gov.uk/land-and-sea/managing-wildlife/managing-deer/welfare/dvcs/>

15. Forest Research and DCS undertook work in relation to deer in and around towns and the report “The Management of Deer in Peri-urban Scotland” was published in 2009. The report improved our understanding of complex interactions of deer and people in and around towns.

16. As the Central Scotland Green Network develops, this work will support SNH as it seeks to provide advice to land managers and public bodies affected by deer. FES is also currently developing its lowland and urban deer management skills. Further information, including a link to the Forest Research paper, is available via the link below.

<http://www.snh.gov.uk/land-and-sea/managing-wildlife/managing-deer/understanding/urban-deer/>

17. In addition, deer managers, supported by SNH, FCS and Transport Scotland have set up the Lowland Deer Network Scotland. The Network is intended to provide a co-ordinated approach to deer management in lowland areas and urban fringes where traditional deer management arrangements have never operated. Further information is available via the following link - [www.ldns.org.uk](http://www.ldns.org.uk).

### **Code of Practice**

18. I agree with the Committee’s view that the Code has only been in place for a relatively short period and must be given the time to deliver its benefits. I recognise that views on the usefulness of the Code vary, but would cite the comment of Robbie Kernahan from SNH in his evidence to the Committee last November, that “the code places very firmly a responsibility on all landowners to actively think about how they engage with and manage deer and whether that requires collaboration.”

### **SNH powers of intervention**

19. The Deer (Scotland) Act 1996 provides for voluntary deer control agreements and compulsory deer control schemes under sections 7 and 8 respectively of the 1996 Act. There are currently nine voluntary agreements in place. No deer control schemes have been imposed under the 1996 Act.

20. A number of voluntary deer control agreements have been facilitated by DCS since the introduction of the 1996 Act, and following merger in 2010, by SNH. As referred to above, there are currently nine in place including the new agreement negotiated at Caenlochan last year. At Ardvar a mediation process is underway, seeking to agree a new deer control agreement over a wider area than the previous agreement.

21. I refer to the review of the wild deer strategy below. I will ask my officials and SNH to conduct a review of the effectiveness of deer control agreements, either as part of that review or as a separate exercise.

22. It is worth highlighting that recent experience of using Section 7 control agreements demonstrates that we can secure environmental gains, while balancing other land use interests in the process. Good examples of recent and very real progress in delivering conservation objectives, deer reductions and landowner's objectives have been achieved at various sites including Inchnadmph, Glenfeshie, Kinveachy, Caenlochan and Breadalbane.

23. The current powers available to SNH to make deer control schemes under section 8 of the 1996 Act were revised under the WANE (Scotland) Act 2011. These amendments streamlined SNH intervention powers making them more usable and more timely. In particular, SNH can now proceed to impose a control scheme once a period of six months has elapsed since SNH giving notice to an occupier that deer are causing, or are likely to cause, damage etc. Given that these revised powers were subject to Parliamentary scrutiny only relatively recently, I do not believe that there are compelling reasons for a review of their effectiveness at this stage.

24. The Committee is correct in that these powers have never been used. It is for SNH to initiate the use of these intervention powers, although the legislation requires that such a control scheme be confirmed by Scottish Ministers. I do not wish to comment in respect of any particular case, but I am keeping a keen eye on developments and would like to assure the Committee that Scottish Ministers would be prepared to support SNH where there was a clear need to intervene on a compulsory basis.

### **Operation and effectiveness of Deer Management Groups**

25. I recognise that the pace of progress has been too slow, in terms of DMGs developing and implementing deer management plans. I agree that the end of 2016 would be a suitable juncture to consider progress and look to take action if the current voluntary system has not produced a step change in the delivery of effective deer management.

26. In that context, I welcome the comments from Richard Cooke, Chairman of ADMG, at their recent AGM, in which he urges his member DMGs to higher standards in engaging with the important function of deer management planning. ADMG has now launched their DMG Benchmark for which sets out what the Association expects from DMGs in terms of leadership, representation and the need to act in an inclusive manner.

27. I understand that ADMG and SNH also announced further measures to support DMGs in this role, including the allocation of a considerable proportion of the SNH Deer Officer resource to support the development of deer management planning. In addition, I am also pleased to notify the Committee that I am able to make available further funding to support the development of deer management plans. The funding amounts to £100,000 per annum over the next two years. SNH have agreed to administer this funding which will be ring fenced to support deer management, in recognition of the number of DMGs that have still to progress a plan and will not be used to pay for SNH staff time.

28. As for transparency, the Code already stipulates that deer managers engage with neighbours, the local community and relevant national organisations. But, SNH will continue to impress on ADMG the importance of transparency in all their member DMGs' activities and take this forward accordingly.

## **Review of current wild deer strategy**

29. Scotland's Wild Deer - A National Approach (WDNA) sets out a 20 year vision to guide the management of wild deer in Scotland. It was launched in 2008 and has subsequently been complemented by the Code of Practice on Deer Management. Further information is available via the link below.

<http://www.snh.gov.uk/land-and-sea/managing-wildlife/managing-deer/wdna/>

30. WDNA includes a commitment to review it every 5 years to ensure its relevance and to evaluate actions. The five year Review is now underway, which provides a good opportunity to reflect the key concerns raised by the Committee and, as a result, will focus on:

- Highlighting what has been achieved in the first 5 years;
- Ensuring legislative, strategic and policy developments since 2008 are incorporated;
- Highlighting the relationship between WDNA and the requirement to deliver the Deer Code;
- Setting clear priorities across the WDNA objectives for the next 5 years;
- Setting out the challenges for deer management planning; and
- Developing the WDNA Action Plan as the main mechanism to co-ordinate effort across the deer sector to deliver WDNA outcomes.

31. Stakeholders and public bodies will be fully involved in this process with the refreshed WDNA published in the summer of 2014.