

## The deer fencing at Brewdog's Lost Forest and ecocide

### Description



Fortified against wild life, the Burma Rd entrance of BrewDog's Lost Forest at Kinrara.

Following my post on deer fencing and capercaillie on Speyside ([see here](#)), a friend and sometime contributor to Parkswatch, Nick Halls, brought to my attention to the latest issue of the Geographer, the magazine of the Royal Scottish Geographical Society. It is all about trees. In it there is an interview with Thomas MacDonell who has been responsible for managing the Glenfeshie Estate for the last twenty years. Asked about capercaillie, he responded there none when he arrived but this year there were 13 cocks at the lek. Besides reducing deer numbers to less than 2 per km and improving habitats as a consequence, Wildland Ltd has systematically been removing deer fences from Glen Feshie and its other properties.

As a result of research into the impact deer fences on black grouse and capercaillie in the 1990s, twenty years ago the Minister at the Rural and Environmental Development, Rona Brankin, allocated £700,000 of government funds to remove and mark fences. This resulted in the removal of 87 km and the marking of a further 134 km of deer fencing during the year 2001-02 in areas where capercaillie lived. This was a big step in the right direction. Since then the emphasis has changed from removing fences to marking some of them – with some exceptions like Wildland Ltd – and there have been no further surveys to measure the effect of fences on woodland birds or any other species.



With the capercaillie population about a half to a quarter of what it was 20 years ago, if the Cairngorms National Park was even half serious about saving the capercaillie, it would ensure all other landowners on Speyside followed the example of the RSPB at Abernethy, who had taken down their fencing 20 years ago, and Wildland Ltd. Instead, it has stood by and allowed Scottish Forestry to fund BrewDog to erect over 10km of new deer fencing at Kinrara which borders some of the last remaining places capercaillie are found.

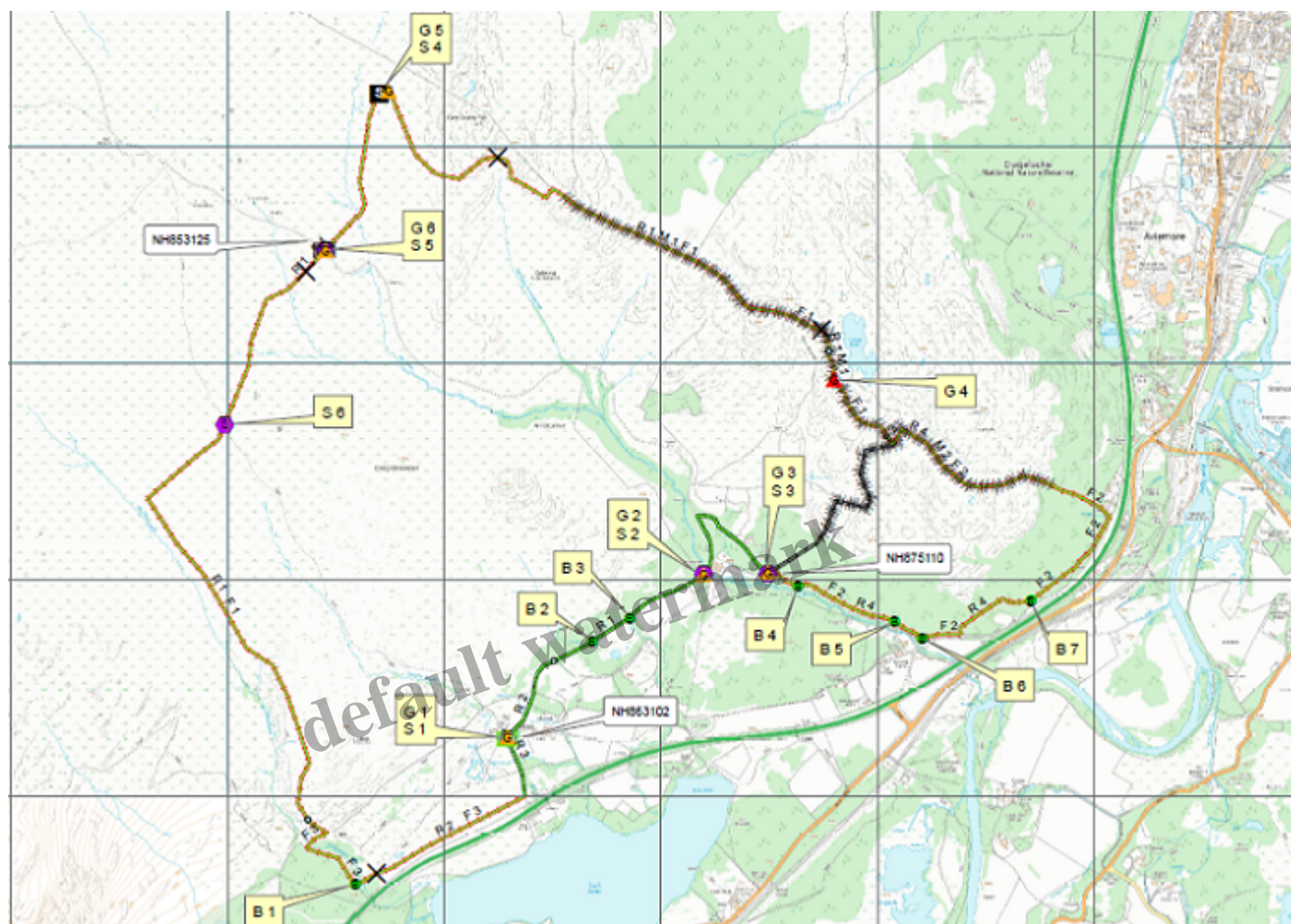
## **BrewDog's killer fences**



The northern corner of the Lost Forest, phase 1, on the western flank of Carn Dearg Mor, with the new deer fence cutting back right above the mounding where trees were planted.

It has been known for over 20 years that deer fences (1.8 m high) have been killing ALL woodland birds. The effect is most serious for capercaillie and black grouse. An experiment (see Abernethy Forest by Ron Summers page 296) showed that marking fences with orange plastic netting, as subsequently was done at Kinveachy ([see here](#)), reduced fatal collisions by 64% (95% confidence

limits 8-86%) for capercaillie, and by 91% (95% confidence limits 67-98%) for black grouse. The wide range of the confidence limits for capercaillie shows the level of uncertainty. Marking helps but it does not stop these and other birds being killed in collisions.



The deer fencing approved of and paid for by Scottish Forestry as part of BrewDog's phase 1 Lost Forest. The yellow marks the boundary deer fencing, with the hashes showing the section that has been marked and the numbers "crossing points". A further section of existing fence, from the boundary to crossing point G3S3 was to be marked (see below).

This map helps show the proximity of BrewDog's lost forest to Aviemore and some of the main centres of the remaining capercaillie population on Speyside. Craigellachie National Nature Reserve and Kinveachy, where good work was done with the mountain biking community to reduce their potential impacts on capercaillie, border the north east facing section of fence. The Glenmore Forest starts just east of Aviemore. Research shows young capercaillie can travel 16km from their birth place once fully fledged: the whole of the Lost Forest Phase I area therefore lies within their dispersal zone.





An unmarked section of BrewDog's new deer fence high up on Carn Dearg Mor showing how hard it is to see the wire against a variety of backgrounds. Note the area of disturbed vegetation and soil which appears to be associated with the construction of the fence.

Humans have large brains that can compute from the visible sections of wire to fill in the gaps. Birds have much smaller brains. This helps explain why even fencing on open ground is so dangerous to them.

While orange plastic netting helped make fences far more visible to birds it quickly became apparent it posed a number of problems: it forms a barrier to the wind, making fences in exposed positions prone to collapse, is an eyesore and becomes brittle in sunlight. (And all of that was before there was much much awareness of the polluting impacts of plastic).

A further trial was therefore undertaken along the A9 near Aviemore marking fences with wooden batons (see "An assessment of methods used to mark fences to reduce bird collisions in pinewoods", RW Summers and D Dugan, Scottish Forestry Vol 55, No 1, 2001). This showed closely spaced wooden batons to be as effective as orange netting. While widely adopted since then, batons are generally now more widely spaced to reduce costs and wind resistance. There has been no research into the impact of this change and the most likely consequence is more birds will try to fly between the

wider gaps resulting in a higher mortality rate



The corner in the deer fence where the marking with batons start, with part of the Kinveachy and Glenmore forests, at the heart of capercaillie country, behind.

Brewdog's operational plan agreed by Scottish Forestry states that the marked areas shown on the map are "in line with Forestry Commission Technical Note 19 'Fence marking to reduce grouse collisions'" and are "in areas where risk of bird strike was agreed with key stakeholders to be high". Both the marked and unmarked sections of fence have the potential to kill lots of capercaillie and other birds, just one less than the other. Just which stakeholders agreed that the risk of birds flying into the section of fence on the right of the photo was high but that on the left was less high has so far not been made public.





What happens to any capercaillie that spots the batons and tries to fly under them?

The Lost Forest operational plan also states that:

*“fence marking will be of high-cost standard which will include: individual pales 1.2 metre of chestnut / sawn softwood @ 500 millimetres apart at both diagonal ends. Marked areas will be kept under review over the life of the contract to ensure suitable marking remains in place and relevant to sensitive areas. Any evidence of bird strike will be notified to the local Capercaillie Advisory Officer.”*

While the spacing of the batons on the Lost Forest boundary may be closer together than some, given the proximity of the fence to known populations of capercaillie erecting a fence here was inexcusable.





Looking over the boundary of Kinrara with the Kinveachy Estate with the Craigellachie NNR just to the right of the photo

Slightly lower down the hillside the deer fence runs through an area of native pinewood that is naturally regenerating, thanks to work by the Kinveachy Estate and NatureScot to reduce deer numbers. Just like Glen Feshie this is just the sort of habitat regeneration which could save the capercaillie and is an area that likely to be favoured by them. Constructing a fence here was completely unnecessary because of all the successful regeneration and serves to undermine all the other public money and work that has been invested in trying to save the capercaillie.





Planted birch woodland with extensive natural regeneration on the left of the redundant fence

BrewDog's operational plan states that most of the other deer fencing within the Phase I Lost Forest boundary fence will be removed within two years of its construction:

*“Existing fencing within the new enclosure which will be made redundant has been prioritised for removal. Priority for removal of redundant fencing is based on risk of bird strike, public access, and visual sensitivities.”*

When I visited in October and December most of those fences seemed to be still in place. We will never know how many birds will have died as a result but if Scottish Forestry had insisted all fencing that was now redundant from its perspective had been removed in three months, that would have made a significant difference. It might even have saved a few capercaillie.





Deer fencing by the gate on the Burma Rd (top photo).

Scottish Forestry agreed that BrewDog could retain one section of internal fence, running up the hill from the gate to the boundary fence. The justification for this was that extensive woodland to the southeast of that fence (the right side looking up the hill in the photo) made reducing deer numbers there difficult and to help reduce the impact on new tree growth it was better to keep these deer in a fenced compartment. This fencing, as shown in the map above, was supposed to be marked. So far that has not happened. How many more birds have died unnecessarily as a result?





BrewDog's boundary fence is designed to keep all animals, not just deer, out. While slower moving animals are unlikely to collide with deer fencing, it still has a considerable impact because of the way it segments habitat. While this is not that well researched in Scotland, it has been recognised for some species: hence why, after paying BrewDog c£100k to put up deer fencing and further money for "rabbit proofing", Scottish Forestry also agreed to pay them £128 for a badger gate in 2022 (see below). The public are being asked to pay to create a problem and then pay to solve it!





The segmentation of habitats is likely to have a particularly severe impact on mammals in winter when it is known that animals like mountain hare (like deer) try to move downhill in bad weather. But limiting the movements of animals, whether herbivores or carnivores, by keeping them inside the fence or out, is likely to affect their survival rates at all times of year.

The wire netting also impacts ground nesting birds which, after their chicks have hatched, will often lead them on foot to lower ground (and more food). Unfortunately none of this is well researched although there is growing awareness of the need to do so outside the UK ([see here](#)).



The number of potential crossing points in Kinrara's new boundary fence are very limited. Photo created by Parkswatch reader

BrewDog's Operational Plan states that:



*“All fencing and access structures are designed to comply with the Scottish Outdoor Access Code.”*

and

*“Along the ‘Burma Road’, deer grids (with winter closure gates during periods of snow) and pedestrian gates suitable for walkers, cyclists and horse riders, will be provided. Pedestrian gates will also be installed at all locations where mapped footpaths cross the proposed fence line and stiles installed in locations with strong desire lines which see regular usage.”*

That sounds fine until you realise there are almost no paths! And the rabbit netting means its even more difficult to cross the deer fencing than is usually the case:



The north west corner of the boundary fence 30th December. Note how the lower horizontal wooden slats are covered in wire mesh making it difficult for feet to get a purchase.

The capital items map above shows crossing points in the boundary fence. These are completely inadequate and should never have been approved by Scottish Forestry which, like other public authorities, has a duty to uphold the Scottish Outdoor Access Code.

## Publicly funded ecocide?

BrewDog's defence of the deer fencing in its operational plan is that it is a temporary measure and will be removed in due course:

*"Following consultation with key stakeholders it was decided the proposed fences would be removed once the new woodland was successfully established in order to limit any potential negative impacts to a fairly short period relative to the woodland, which is estimated to be around 10 years but may be extended in line with the resilience/vulnerability of the new woodland. Fence removal before year 20 will be agreed in advance with Scottish Forestry to ensure successful establishment and resilience has been achieved. The fence may be retained to as long as 30 years depending on rate of establishment. This will be monitored regularly once the stand has reached year 10 to inform a decision for removal. Rabbit netting will be made porous and/or removed once trees have reached a height and girth to resist damage from hares, this is expected to occur as early as 5 years but will be informed by monitoring of tree growth."*

On this argument and given how the planting has gone so far, with many of the trees having died, the fencing is likely to still be in place in 20-30 years time. It will have become ineffective at blocking animals long before then (most deer fencing remains effective for 10 years at most). It will, however, still be killing capercaillie if any still survive by then.

Moreover, the fact that BrewDog got Scottish Forestry's agreement to keep an internal section of fence to contain the existing deer population raises serious concerns about BrewDog's commitment to control deer numbers.

Scottish Forestry has handed BrewDog considerable sums of public money to pay for this deer fencing disaster. Here are the figures for 2022:

Standard Cost Capital Items							
Option Code: FGS081-04 Option Name: Woodland Creation - Native Scots Pine							
Capital Item	Location Code	LPID	Map letter	Claim Year	Quantity	Unit Of Measure	Maximum Value
Badger gate	79/439/0005	NH/84625/13218	B2-B3	2022	2	UNITS	128.00
Enhancing/modifying deer fence - high cost	79/439/0005	NH/84625/13218	M1	2022	2760	MTR	12364.80
Gate for deer fence	79/439/0005	NH/84625/13218	G2-G6	2022	5	UNITS	860.00
Rabbit proofing of existing or new stock/deer fence	79/439/0005	NH/84625/13218	R1	2022	9235	MTR	14776.00
Self-closing gate for non-vehicular access	79/439/0005	NH/84625/13218	S2-S7	2022	6	UNITS	1680.00
Deer fence (high cost)	79/439/0005	NH/84625/13218	F1	2022	8685	MTR	85981.50
Initial Planting - Native Scots Pine	79/439/0005	NH/84625/13218	NSP	2023	138.54	HA	286777.80
Initial Planting - Native Scots Pine	79/439/0005	NH/85980/10004	NSP	2023	6.58	HA	13620.60
Initial Planting - Native Scots Pine	79/439/0005	NH/86252/10177	NSP	2023	0.37	HA	765.90
Initial Planting - Native Scots Pine	79/439/0005	NH/86901/11464	NSP	2023	2.62	HA	5423.40

Contract Reference: 21FGS62745-001

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Extract from Scottish Forestry's contract with BrewDog obtained through a Freedom of Information request



That is c£100k for fencing without taking account of the payment for gates. While I have not been to see it yet work also appears to have started to erect deer fencing for Phase 2 of BrewDog's Lost Forest project around the Caledonian Pine forest on the Dulnain:



Fence posts waiting to be transported over to the Dulnain?

If there was a substantial reduction in the deer population (to a maximum of 2 per sq km) we would not need these fences that are killing Scotland's birds, affecting the survival rates of both birds and animals and presenting a barrier to the right to roam. BrewDog could have followed the example of Wildland Ltd but appears to have chosen not to do so.

The evidence suggests that the impact of deer fencing on wildlife amounts to wanton destruction of the natural world. As such it fits the definition of ecocide as set out in Monica Lennon's Ecocide Prevention Bill ([see here](#)). Conservationists should be pressing for that to become law as soon as the threat of criminal prosecution would be one way to force land-managers and organisations like Scottish

Forestry to change their ways.

Until then it is still shocking that the Cairngorms National Park Authority (CNPA) has said nothing publicly to try and stop BrewDog and Scottish Forestry from erecting this new deer fence in an area so important for capercaillie. Both their Board and staff need to get out more and see what is happening on the ground. The CNPA should also be calling on the Scottish Government for an immediate ban on such fencing in the National Park and focussing its attention on reducing deer numbers.

Kinrara would have been an ideal place to start given the woodland here was already regenerating naturally, as I showed before Scottish Forestry approved the Lost Forest project ([see here](#)) and there was therefore absolutely no justification for either the planting or the deer fence. Since then an ecological disaster has unfolded with large amounts of carbon having been released into the atmosphere and a large proportion of the planted trees having died ([see here](#)) on top of all the dead wildlife.

### Category

1. Cairngorms

### Tags

1. CNPA
2. conservation
3. fencing
4. landed estates
5. NatureScot
6. scottish forestry

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