

Managing deer for climate and nature: consultation

Description



Red Deer in Strathfarrar 2022. A “lifestyle choice” by owners of sporting estates

The Scottish Government’s consultation on proposals to modernise the legislation which governs deer management in Scotland closes today ([see here](#)). There is a survey which is relatively easy to complete.

The primary aim of the proposed legislation is to ‘ensure it is fit for purpose in the context of the biodiversity and climate crises’. The proposals include detailed changes to the laws concerning open seasons, firearm regulations and animal welfare, and emboldening existing powers available to the Government to enforce culling to benefit biodiversity and protect carbon.

The flagship proposal is the introduction of Deer Management Nature Restoration Orders (DMNRO)s, which aim to facilitate deer management for the purposes of nature restoration across a specified area

of land. In other words, to achieve sustainable deer numbers at landscape scale potentially covering multiple land ownership holdings. If a DMNRO is applied to their property, landowners will face an increased likelihood of being subject to existing intervention powers under sections 6 (control areas), 6A (deer management plans), 7 (control agreements), 8 (control schemes) and 10 (emergency measures to prevent damage by deer) of the 1996 Deer Act if they fail to control deer on their land. A key shift is that these existing powers can also be applied in situations that threaten the Government's targets on biodiversity and climate rather than simply preventing damage to the natural heritage. The nuance is important as it could allow the government to focus on initiating and protecting ecological recovery.

While there is much to support in this consultation, the new law, (like all previous deer legislation), fails to recognise that deer have to be managed sustainably at a national rather than local level. I have two primary concerns in this context.

Firstly, while the proposed revisions to current legislation regarding close seasons, venison sales, and animal welfare may be reasonable (although rather disappointingly, the Scottish Government is proposing a longer closed season for hinds than that recommended by the Deer Working Group) and could help support the move toward a more sustainable deer economy, they will make local control of deer by farmers and other non-sporting estate owners more difficult (due to for example, new requirements regarding training and firearm restrictions) and perhaps most crucially, not directly affect deer management on more than 50% of the deer range. This is because we know from previous research that most sporting estate owners consider ownership to be a 'lifestyle choice' and the land is primarily managed to support recreational stalking for the owner, their friends and elite clients ([Conservation with a Gun: Understanding Landowner Attitudes to Deer Hunting in the Scottish Highlands \(researchgate.net\)](#)). Needless to say, these owners do not want to shoot more deer and consider natural restoration for biodiversity and climate as described in the consultation (e.g. tree planting, encouraging natural regeneration etc.) as a 'threat' to their 'sport' and the investment value of their property. For this reason, the proposed regulations are welcome, but unlikely to lead to major gains in terms of deer control and nature restoration. For that to happen the national deer density targets contained in the Biodiversity Strategy need to be dramatically reduced from 10 per square kilometre ([see here](#)).

Secondly, the proposal to create DMNROs as described in the consultation lacks detail and is poorly drafted and it may represent a misstep on the path to sustainable deer management. I think we can reasonably assume that DMNROs will focus on areas where there is already a high proportion of properties where natural capital enhancement is being prioritised. For example, in the Cairngorms and Glen Affric, where conservation charities such as RSPB and Trees for Life already own significant areas of land. The powers granted to the Government under DMNROs are likely to be applied therefore to isolated individual sporting estates within already high value nature conservation areas. While this would be welcome at these locales, the application of DMNROs will almost by definition do nothing to initiate ecological recovery of vast areas of degraded moorland and mountainside in the rest of the country where deer are and continue to be managed unsustainably due to sporting estate management.

A further problem lies with the failure to deal with 'boundary issues'. While estates within DMNROs could be legally required to cull deer, adjacent estates outwith the DMNRO designation will not. Not only will this make the entire process of delineating boundaries for DMNROs contentious, there is also

the very considerable problem of deer migrating out of DMNROs (to avoid being shot) or moving in (to find food). With fencing at a landscape scale no longer a reasonable option, these proposals need to outline in more detail how to manage boundary issues.

While I recognise that these new proposals may be a step or two in the right direction, these steps are faltering in terms of additionality (restoration of biodiversity) and risky in terms of conflict generation and will not in themselves deliver sustainable deer management. The best long term solution for deer management in Scotland would be the introduction of a legal requirement of all major landowners (in excess of 50 hectares) to prepare and implement binding deer management plans with associated approved culling targets. Such legally binding targets are the primary legislative tool used to control deer populations in most western countries and are proven to work effectively.

Without legally binding cull targets and a requirement to submit deer management plans the deer population and the problems associated with deer will continue to increase. We need bolder action from our elected representatives to protect our biodiversity and carbon stocks – these proposals are merely tweaks to the existing system – a system that has demonstrably failed to protect and restore our natural heritage.

Category

1. Cairngorms
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1. conservation
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