

## Section 1 – Licensing of Grouse Shooting

1 Do you agree that the licensing of grouse shooting should be introduced to deter raptor persecution and wildlife crime linked to grouse moor management?

No

2 If you answered 'No' to question 1, please state what other option/s you think we should consider (max 150 words).

If you answered 'No' to question 1, please give us your views:

The only option that will address raptor persecution and others issues related to intensive grouse moor management such as muirburn is a total ban on driven grouse shooting (and red legged partridge on moorland). The main issue is driven grouse shooting and where estates do NOT do anything artificially to boost their numbers ie muirburn or heather cutting, use of medicated grit, construction butts or tracks, applying for licenses to cull hares, the need for licensing is questionable because estates that are not interested in boosting numbers of grouse, red legged partridge or other game birds are unlikely to be involved in raptor persecution. If a licensing process is brought in for walked up grouse shooting without associated grouse moor management it should be simpler and far less costly.

3 Do you agree that the landowner/occupier/person responsible for or accountable for the management decisions and actions should be responsible for acquiring and maintaining the licence for the taking of grouse on a particular piece of land?

No

4 If you answered 'No' to question 3, please state what other option/s you think we should consider (max 150 words).

If you answered 'No' to question, please give us your views:

I disagree with licensing but if it goes ahead it must include all those involved. This means the landowner (the ultimate beneficiary not just the company/trust etc), the occupier/s (both tenants and shooting tenants) and the manager/organisation they work for. Unless all are included each will blame the other where licensing conditions are breached and the current situation where it is almost impossible to take action because of the difficulties of attributing responsibility will continue.

5 Do you think that the person wishing to shoot grouse on land that they do not own, or occupy, should be required to check that the person who owns the land has a licence which allows for the taking of grouse on that area of land?

No

6 If you answered 'No' to question 5, please state what other option/s you think we should consider (max 150 words).

If you answered 'No' to question 5, please give us your views:

For licensing to work it should not depend on a prospective client/consumer checking to see if a license is in place. Where there is no license this should be enforced by the state and it should be clear to all that both grouse moor management activities and shooting are banned. This will require resources to be devoted to enforcement and should be covered by the cost of licenses.

7 If we introduce a licensing scheme, do you agree that NatureScot should be the licensing authority?

No

Other body (please specify):

National Park Authorities in National parks as they should be employing sufficient staff to monitor land management across their areas

8 Do you think that a licence should be granted for a maximum period of one year (renewable on an annual basis thereafter)?

No

9 If you answered 'No' to question 8, please state what other option/s you think we should consider (max 150 words).

If you answered 'No' to question 8, please give us your views:

Licenses need to be easily revokable if breached so could be for longer periods as long as the licensees are obliged to submit meaningful reports and there are sufficient resources available (paid out of the licensing fees) to monitor what is going on.

10 Do you think that the civil rather than the criminal burden of proof is an acceptable test for the application of sanctions in relation to grouse moor licences?

No

11 If you answered 'No' to question 10, please state what other option/s you think we should consider (max 150 words).

If you answered 'No' to question 10, please give us your views:

This is all the wrong way round and too weak. Land owners should have to prove they are fit to undertake grouse shooting beyond any reasonable doubt. It might become easier to establish who was responsible for the disappearance/killing of raptors if all the estates near where such an event took place were to be assumed to be unfit to carry on managing the land for grouse unless they could prove otherwise. That would encourage estates that were not involved to report their neighbours instead of the current conspiracy of silence

12 Do you agree that record keeping or reporting requirements should be part of the licence conditions?

Record Keeping, Reporting Requirements

13 If you answered 'neither' to question 12, please outline why you believe this (max 150 words).

If you answered 'Neither' to question 12, please give us your views:

Reports need to include far more than the type of predator control. They should include ALL animals and birds killed, including the date and the means, any activity to "improve" access - short lengths of track are generally exempt from planning permission - the construction of grouse butts (generally treated as a permitted development), use of medicated grit (if the Scottish Government decides to continue to allow this), the construction of any mounds on which to place the medicated grit and whether this is on peat etc (we are now in the ridiculous situation where Peatland Action is paying to restore areas of bare peat created to construct feeding stations).

14 Do you agree that, where a person holds a valid licence, and there is sufficient evidence to show that, on the balance of probabilities a wildlife crime has been committed on their property, NatureScot should have the power to impose the following penalties:

No

15 If you answered 'no' to question 14, please outline why you believe this (max 150 words).

If you answered 'No' to question 14, please give us your views:

Written warnings would undermine the point of licensing. There need to be powers to suspend licences with immediate effect eg in cases where police are investigating the disappearance of a raptor, and also to revoke licences.

Creating a power to revoke licenses permanently will be very challenging to apply legally. For example, what happens if a landowners relative then applies for a license or what happens if the land is sold? Where someone owns land through a company it is very easy for that company to be "bought" by a new one. This could be owned by the same person but without wider land reform it may be impossible for NatureScot to establish this. On account of such difficulties it is unlikely that the licensing proposals will make any appreciable difference.

16 Please provide any further comments on the questions in this section here.

Please give us your views:

It is disappointing that the questions asked in this consultation are so limited. There is nothing for example on the use of medicated grit, which should be banned, or all the other damaging practices involved in grouse moor management (roads, use of ATVs, use of general license to control and trap Crows, persecution of mammalian predators etc).

## Section 2 - Muirburn

17 Currently a licence is only required to undertake Muirburn outwith the Muirburn season. Do you agree that a licence should be required to undertake Muirburn regardless of the time of year that it is undertaken?

No

18 If you answered 'No' to question 17, please outline why you believe this (max 150 words):

If you answered 'No' to question 17, please give us your views:

Muirburn should be banned, its adverse impacts are well known. It releases carbon into the atmosphere and through killing off plants prevents peat accumulating. The proposal to ban burning on peat more than 40cm deep is ridiculous, and only slightly better than the 50cm adopted by the UK Forestry Standard. More progressive organisations in Scotland such as RSPB are now not planting on peat 30cms thick but even this does not go far enough because thin peat often has the greatest potential to accumulate.

Muirburn also helps leach minerals out of other soils and more rapid water runoff results in increased flooding. This undermines all the work being undertaken to try and reduce the increased risks of flooding that are associated with climate change.

19 If we introduce a licensing scheme, do you agree that NatureScot should be the licensing authority?

No

20 Do you agree that there should be a ban on muirburn on peatland unless it is done under licence as part of a habitat restoration programme approved by NatureScot?

Yes

21 Other than for habitat restoration, public safety (e.g. fire prevention), and research, are there any other purposes for which you think muirburn on peatland should be permitted?

No

22 Do you agree that the definition of peat set out in the muirburn code should be amended to 40 cm?

No

23 If you answered 'No' to question 22, please outline why you believe this (max 150 words):

Please give us your views:

For the reasons outlined above, there should be no burning on peat of whatever depth.

24 Please provide any further comments on the questions in this section here.

Please give us your views:

There is no mention of heather cutting which is increasingly being used instead of muirburn and this too should be strictly controlled as it affects soils (carbon is released into the atmosphere as the dead heather degrades and it also appears to promote water run-off).

The presumption that muirburn should be allowed to continue for habitat restoration, public safety (e.g. fire prevention), and research is questionable. What habitats? Moorland deserts. Burning to prevent burning? If fire prevention is really necessary why not cut the heather and collect the brash? What research?

While muirburn should be banned, if any licensing scheme is introduced it would be better that in our National Parks the National park Authorities should be the licensing authority.

### Section 3.1 Wildlife Traps

25 The Scottish Government proposes that a person operating a wildlife management trap must apply for a unique identification number which they must then attach to any traps that they set outdoors, do you agree that this proposal should apply to (select all that apply):

Live capture traps for birds, Live capture traps for mammals (except rodents), Live capture traps for rodents

Other Traps (please specify):

26 The Scottish Government proposes that a person operating a wildlife management trap outdoors must successfully complete an approved course dealing with the relevant category of trap, do you agree that this proposal should apply to (select all that apply):

None of the above

Other traps (please specify):

27 This question should only be answered if you agree that training should be required for at least one of the traps listed in question 26. The Scottish Government proposes that a person operating a wildlife management trap outdoors must undergo refresher training every 10 years, do you agree that this proposal should apply to: (select all that apply)

None of the above

Other traps (please specify):

28 Do you agree that record keeping and reporting requirements should be part of the registration scheme?

Record keeping, Reporting requirements

29 Do you agree that an individual found guilty of the offence of:

No

30 If you answered no to question 29 please explain the reason for your answer (max 150 words):

Please give us your views:

We should be banning all kill traps hence my responses to question 25-29

31 Please provide any further comments on the questions in this section here.

Please give us your views:

The fundamental question, which is about whether it is justifiable to kill certain wildlife in an attempt to boost numbers of game birds for shooting is not addressed. This is not just about traps, it is also about other means of killing wildlife such as foxes, and there is no consideration of the other impacts this has. For example, mammalian predators such as foxes, pine martens, stoats and weasels would help keep down numbers of animals like voles and rabbits but because of the annual carnage of predator the Scottish Government ends up spending huge amounts paying for fencing to protect trees.

While this is unacceptable across Scotland, it should be particularly unacceptable in our National Parks which should be about restoring natural ecosystems and there is nothing in these proposals which would allow different rules for areas protected for nature.

The proposals are likely to be very difficult to enforce but their application to individuals rather than all those involved in estate management make them practically worthless. If someone fails to observe the conditions, they might be banned from using traps but the estates will simply get someone else to do it. If the proposals are to have any meaning at the very least if abused, the estate responsible should be banned from using any further traps.

### Section 3.2 Glue Traps

32 Do you agree that the use of glue traps designed to catch rodents should be banned in Scotland?

Yes

33 Do you agree that the sale of glue traps designed to catch rodents should be banned in Scotland?

Yes

34 Do you agree that there should be a two year transition period before the ban on glue traps comes into force?

No

35 Please provide any further comments on the questions in this section here.

Please give us your views:

The ban should be immediate as soon as the legislation is passed

### Section 3.3 Snares

36 Do you agree with the recommendations from the statutory review of snaring that operators should be required to update their records at least once every 48 hours, unless they have a reasonable excuse not to and that these records should be made available to the Police on demand if the police arrive at the location where the records are kept, or within 7 days to the police station?

No

37 Do you agree that a power of disqualification should be introduced for snaring offences?

Yes

38 Please provide any further comments on the questions in this section here.

Please give us your views:

Snaring should be banned completely, hence my answer to 36. If the Scottish Government proceeds with the proposal for a power of disqualification it should apply to the land - ie the whole landholding where the offence occurred - and not the individual

### About you

39 What is your name?

Name:  
Nick Kempe

40 What is your email address?

Email:  
nickkempe1@gmail.com

41 Are you responding as an individual or an organisation?

Individual

42 What is your organisation?

Organisation:

But I have a blog parkswatchscotland to which others contribute

43 The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

44 We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

45 I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

46 Organisation's Sector

Other body (please specify):

Evaluation

47 Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Very dissatisfied

Please enter comments here.:

It failed to address the underlying issues which are very important for both the nature and climate emergency. It is clear the Scottish Government is still dragging its feet and unprepared to challenge sporting estates and their owners

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Please enter comments here.:

It is good that it provides a PDF copy of respondents response. The issue is less the platform, but rather then questions that are asked and the fact that for a significant proportion there is no space to explain answers