

CONSULTATION

Response Document



**Managing deer for climate and nature: consultation
Scottish Government**

29th March 2024

Introduction to CIEEM

The Chartered Institute of Ecology and Environmental Management (CIEEM), as the leading membership organisation supporting professional ecologists and environmental managers in the United Kingdom and Ireland, welcomes the opportunity to comment on this consultation.

CIEEM was established in 1991 and has over 7,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Chartered Institute has led the way in defining and raising the standards of ecological and environmental management practice with regard to biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme and best practice through the dissemination of technical guidance for the profession and related disciplines.

CIEEM is a member of:

- Scottish Environment Link
- Wildlife and Countryside Link
- Northern Ireland Environment Link
- Wales Environment Link
- Environmental Policy Forum
- IUCN – The World Conservation Union
- Professional Associations Research Network
- Society for the Environment
- United Nations Decade on Biodiversity 2011-2020 Network
- Greener UK
- Irish Forum on Natural Capital (working group member)
- National Biodiversity Forum (Ireland)
- The Environmental Science Association of Ireland

CIEEM has approximately 740 members in Scotland who are drawn from across the private consultancy sector, NGOs, government and SNCOs, local authorities, academia and industry. They are practising ecologists and environmental managers, many of whom regularly provide input to and advice on land management for the benefit of protected species and biodiversity in general.

This response was coordinated by Members of our [Scotland Policy Group](#).

We welcome the opportunity to participate in this consultation and we would be happy to provide further information on this topic. Please contact Jason Reeves (CIEEM Head of Policy) at JasonReeves@cieem.net with any queries.

We have responded to questions that fall within our remit as the professional body for ecology and environmental management.

Part 1 – Enhancing the Natural Environment

Question: Do you agree that NatureScot should be able to intervene, through Deer Management Nature Restoration Orders (DMNRO), to ensure that action is taken to manage deer, where deer management has been identified as a key part of nature restoration?

Information box: Nature restoration in this context would encompass objectives including tree planting, encouraging natural regeneration, peatland restoration, water management, natural capital enhancement.

The actions could include, for example, deer culling, deer fencing, detailed habitat assessment, deer counting and cull planning.

Answer options:

- **Yes**
- No
- Don't know

Question: Do you agree with our proposed criteria for a DMNRO that:

- They can only be ordered where there is social, economic or environmental benefits to be achieved through nature restoration, and
- additional deer management is a key factor or one of the key factors in securing that benefit?

Answer options:

- **Yes**
- No
- Don't know
- I don't agree with DMNROs

Question: If you answered no to the previous question, what criteria, if any, would you recommend?

Answer options:

- There should be no criteria/restrictions,
- There should be more criteria/restrictions,
- I don't agree with DMNROs
- Don't know

Please provide reasons for your answer here

Question: Do you agree that NatureScot should be able to require a person who is subject of a DMNRO to undertake a range of actions to achieve deer management objectives in these circumstances? Such actions could include:

- reductions in deer numbers, by setting a target density or a specified cull over a period of time
- deer fencing, e.g. requiring fencing to be put in place by landholdings with high deer numbers to prevent those deer damaging restoration projects elsewhere within the DMNRO area
- specified additional work to support deer management including habitat assessments, more detailed cull plans, and cull reporting.

Answer options:

- **Yes**
- No
- Don't know

Question: Do you agree that if financial incentives for deer management are created, individuals subject to DMNROs should be automatically eligible for such support?

Answer options:

- Yes
- No
- **Don't know**

Question: Do you agree that non-compliance with DMNROs should be treated in the same way as non-compliance with existing deer control schemes ie:

- It would be an offence
- It would carry a maximum fine of £40,000 or 3 months imprisonment or both.

Answer options:

- Yes
- No
- **Don't know**

Question: Do you agree that NatureScot should be able to recover costs from the landowner where they are required to intervene as a result of non-compliance with DMNROs?

Answer options:

- **Yes**
- No
- Don't know

Question: If you do not support cost recovery, what alternative non-compliance measures, if any, would you recommend?

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

A key element of ecosystem restoration in Scotland is reducing deer numbers. The ambitious peatland restoration and tree planting targets will not be achieved where deer numbers remain high. Scotland needs a reduction of deer numbers to levels at which natural processes (such as flowering and fruiting of plants, survival of tree seedlings to allow woodland regeneration, widespread survival of palatable plants currently restricted to ungrazed ledges etc.) are not drastically inhibited. Chronic grazing pressure and resultant loss of ground cover plants and soil cohesion is of great concern contributing to direct losses of soil/carbon via erosion. We therefore support the proposals for new powers for NatureScot to implement Deer Management Nature Restoration Orders.

A priority is sustainable management of deer populations by implementing the independent Deer Working Group Report recommendations accepted by the Scottish Government in full and within a specified time period, which we fully support. In [Scotland's Strategic Framework for Biodiversity](#) the actions on deer management had clear "SMART" set of targets in the Delivery Plans. There needs to be clear SMART targets for 2030 and 2045 with clear strategies for annual reporting against progress towards the targets. Deer management needs to be embedded within all upcoming strategies related to land use and biodiversity.

To allow natural regeneration in Caledonian pinewoods and Atlantic woodlands, there is a widely accepted level of 2 deer per sq km, although site based considerations need to be taken into account. Therefore a target would be to reduce deer densities to levels that allow natural tree regeneration (densities of 2 to 3 per km² within woodlands, although this needs to be determined on a site by site basis).

An all Scotland approach may need to be taken given the highest population levels of deer on record. Action should be taken over large areas — e.g. National Parks and regions of temperate rainforest — rather than restricted to a single land ownership unit, and should focus on long-term cumulative damage areas.

It is encouraging that this consultation proposes a move away from prevention of damage by deer towards ensuring enhancements of natural habitats. To this end, action must always be deer number reduction; fencing should be used only if absolutely necessary, on a temporary basis, to allow the area to naturally restore.

We support positive financial incentives for deer management, but not compensation, and NatureScot should recover the costs of deer management if culls are not being met.

Part 2 – Compulsory Powers and Compliance

Question: Do you agree with our proposals that would allow changes to the types of information which can be requested by NatureScot (under section 40 of the 1996 Act), to be made via secondary legislation?

Information box: Requested information could include what species of deer have been shot by owners in localities in the past year or years, and what the planned or expected cull levels are for the following year or years in the localities.

Answer options:

- Yes
- No

- **Don't know**

Question: Do you agree with our proposals that the period of time over which NatureScot can ask for information on planned future culls should be increased from 12 months up to a period of 5 years?

Answer options:

- Yes
- No
- **Don't know**

Question: Do you agree with our proposals that NatureScot should be able to use emergency powers under Section 10 of the Deer (Scotland) Act 1996, which include the ability to enter land to undertake short term deer management actions for a period of up to 28 days, to tackle damage to the natural heritage?

Information box: The natural heritage is defined as including “flora and fauna, geological and physiographical features and the natural beauty and amenity of the countryside”.

Answer options:

- **Yes**
- No
- Don't know

Question: Do you agree with our proposals that where NatureScot have intervened and carried out deer management actions as a result of these emergency powers, they should be able to recover reasonable costs?

Information box: Deer management actions can include actions such as undertaking deer culls

Answer options:

- Yes
- No
- Don't know

Please provide any further comments on the proposals set out in this section here:

Monitoring of ecological impacts needs to be carried out systematically, especially in protected and priority areas, to determine the result of reductions in deer numbers. Good deer population data is also needed to inform sustainable deer management planning. Monitoring of deer impacts needs to be a key area in the designing and implementing a system and programme of Protected Areas monitoring, in the context of 30x30.

The Woodland Herbivore Impact Assessment (WHIA)¹ needs to underlie the delivery of herbivore management objectives. There needs to be wider promotion of WHIA as a practitioner tool for assessing impacts and supporting cull plans. More ecologists, land and deer managers need to be trained up to use this method. Ecologists are currently best placed with the skills required to use the full method. However, with training and support deer managers can fulfil this important role.

CIEEM, as the professional body for ecologists and environmental managers, is ideally placed to provide and support training alongside NatureScot in this area².

The Green Jobs for Nature Website³ was developed by CIEEM, in partnership with many organisations. It is a key tool for highlighting what a green job for nature is, how to get one, and the range of employment opportunities. There are over 130 role profiles⁴ from people working in the profession, highlighting what their job involves and their route into the profession. We have featured the job profiles of deer stalkers⁵ and land managers^{6 7}, and would be keen to further raise the profile and awareness of these types of green jobs for nature.

1

<https://forestry.gov.scot/publications/1480-the-woodland-herbivore-impact-assessment-method-user-guide#:~:text=The%20Woodland%20Herbivore%20Impact%20Assessment%20Method%20is%20a%20method%20of.wooded%20or%20may%20develop%20woodland.>

² www.cieem.net/events

³ <https://greenjobsfornature.org/>

⁴ <https://greenjobsfornature.org/job-profile-category/all-job-profiles/>

⁵ <https://greenjobsfornature.org/job-profiles/falcon-frost/>

⁶ <https://greenjobsfornature.org/job-profiles/ian-sargent/>

⁷ <https://greenjobsfornature.org/job-profiles/eszter-domina/>

Part 3 – Deer welfare

Question: Do you agree with our proposals that everyone shooting deer in Scotland should meet fit and competent standards as evidenced by having achieved at least Deer Stalking Certificate Level 1?

Information box: In order to be considered 'fit and competent', a person must be able to evidence their fitness by holding a valid firearms certificate and their competence predominately through completion of a Deer Stalking Certificate (DSC) 2 or Deer Stalking Certificate 1 plus one reference. A person can also currently apply for recognition as 'fit and competent' on the basis of 'following Best Practice Guidance'. Individuals must renew their inclusion on the existing register after 5 years. NatureScot provide further guidance on the process on their [website](#).

Answer options:

- Yes
- No
- **Don't know**

Question: Do you agree with our proposals to establish specified competence levels for those deer management activities which currently are only permissible under authorisation by NatureScot, such as night shooting, driving deer and out of season shooting? This would mean anyone undertaking these activities must have evidenced their competence levels and registered with NatureScot but would not need to apply for a specific authorisation to undertake these activities.

Information box: The NatureScot a base level of competence could be, for example, Deer Stalking Certificate 2, and relevant additional competencies. As part the general authorisation, individuals would be required to comply with best practice as well as any statutory codes of practice.

Answer options:

- Yes
- No
- **Don't know**

Question: Do you agree with our proposals that the requirement for an individual authorisation from NatureScot to carry out activities such as night shooting, driving deer and out of season shooting could be replaced by registration on the Fit & Competent Register where deer managers must have evidenced their competency to undertake specified activities?

Information box: In practice this could mean that a land manager who wishes to shoot deer at night, who has the required level of competence and is registered as fit and competent to do so, would not need to apply for authorisation from NatureScot. Instead they would provide NatureScot with evidence that they met the fit and competent standard for the activity, and would then be able to undertake night shooting. They would still have to comply with the night shooting code of practice and be subject to restrictions as to the purpose of the night shooting.

Answer options:

- The Fit & Competent Register should replace individual authorisations for these activities
- There should be a Fit & Competent Register as well as individual authorisations for these activities
- There should only be individual authorisations for these activities
- Don't know

Question: Do you agree with our proposals that use of a shotgun to kill deer should be subject to stricter regulation?

Answer options:

- Use of a shotgun to shoot deer should require registration on the Fit & Competent Register
- Use of a shotgun to shoot deer should require registration on the Fit & Competent Register and an individual authorisation from NatureScot
- Use of a shotgun to shoot deer should require an individual authorisation from NatureScot
- Use of a shotgun to shoot deer should not be restricted at all
- Don't know

Question: Do you agree with our proposals that any capture of live deer should be individually authorised by NatureScot?

Answer options:

- Yes
- No
- **Don't know**

Question: Do you agree that NatureScot should develop a statutory Code of Practice, which could provide guidance and minimum standards on topics such as animal welfare and disease prevention, on the live capture of deer in Scotland in collaboration with stakeholders for use in future?

Answer options:

- Yes
- No
- **Don't know**

Please provide any further comments on the proposals set out in this section here:

Part 4 – Changes to close seasons

Question: Do you agree that the close season for female deer of all species should be the same?

Information box: The purpose of a close season for female deer is to safeguard the welfare of dependent young, generally this dependency is defined as from birth dates to date of weaning, and this period varies across species and can be effected by environmental factors.

Currently, the dates of the open season vary depending on the species of deer.

Answer options:

- Yes
- No
- **Don't know**

Question: Do you agree that the close season for female deer of all species should be changed to cover the period of highest welfare risk, from 31 March to 30 September?

Answer options:

- Yes
- No
- **Don't know**

Question: If you do not agree with our proposals to change the season for female deer, what, if any, further actions would you recommend to support increased management of female deer?

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

Part 5 – Venison

Question: Do you agree that venison specific regulations should be repealed and venison should simply follow the same regulatory procedure as other wild meat and game products without the additional requirement of a Venison Dealers Licence?

Information box: Venison Dealers Licence (VDL) means the licence required by the Deer (Scotland) Act 1996 for the sale, offer or exposure for sale of venison meat. This licence is not required where venison is sold to or bought from the holder of a VDL, meaning only one party in the transaction must possess a VDL. VDLs are issued by local authorities.

Answer options:

- Yes
- **No**
- Don't know

Question: If no, do you agree that NatureScot should be able to gather more information from venison dealers on deer carcasses and their use? For example, this could be used to help understand if there are areas of Scotland where there are insufficient facilities for processing venison or if there are other barriers.

Answer options:

- **Yes**
- No
- Don't know

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

One of the routes to increasing deer culling is to help grow the human consumption market for venison. We want to see the sale of affordable venison in local markets across Scotland encouraged and, therefore, support the DWG recommendation for a new Order that requires clearer and more robust information on the prescribed form about the source of any purchases or receipts of wild venison.

A public campaign to promote wild venison as free of additives and a healthy alternative to farmed red meat may also support market growth. However, lead ammunition is still being used by a small number of deer managers, despite it being toxic to other wildlife and humans; this undermines public confidence in the venison market. We want all deer in Scotland to be managed using non-lead ammunition.

Part 6 – Kept and Farmed Deer

Question: Do you agree with our proposals that the owner or occupier of land should be allowed to shoot stray farmed deer on that land in order to prevent damage by the deer, providing there is, by their assessment, no other reasonable or practical way to contain the deer?

Answer options:

- Yes
- No
- **Don't know**

Question: Do you agree with our proposals that anyone wishing to keep deer as private property (i.e. not for the purpose of farming or as an exhibit in a zoo) should require a licence to protect the welfare of those deer?

Answer options:

- Yes
- No
- **Don't know**

Question: If you do not support the introduction of licensing for kept deer, what further action, if any, would you recommend to protect their welfare?

Question: Do you agree with our proposals that anyone seeking to release captive red or roe deer into the wild in Scotland should require authorisation from NatureScot, for example, deer which may have been caught and monitored for research purposes? This would also allow us to gain a better understanding of when and why people want to release captive red or roe deer into the wild.

Answer options:

- **Yes**
- No
- Don't know

Question: If you do not agree with our proposals that anyone releasing red or roe deer should require authorisation, what, if any, further actions would you recommend to ensure they do not cause damage to habitats, or pose a risk to wild deer populations?

Please provide any further comments on the proposals set out in this section here:

We support proposals for NatureScot to licence all farmed deer and any releases of farmed deer into the wild.