

# Petitioner submission of 5 January 2023

## PE1859/EE: Retain falconers' rights to practise upland falconry in Scotland

Following the committee meeting of 21/12/2022 attended by Mairi McAllan & Hugh Dignon for the government and Stan Whitaker for NatureScot, I raise the following points.

It is insulting that the ministers still haven't done enough research to understand that an Eagle, Hawk or buzzard is not a falcon. Falcons are (by comparison to eagles) small, very fast raptors evolved largely to catch birds. They are not adept or evolved for taking ground game. Please disregard any comment made by ministers connecting falconry in the uplands with eagles and large hawk or buzzard type species with the taking of any bird species (Hugh Dignon) such as grouse, curlew, etc. This is utterly unrelated, and has no connection to upland falconry in winter with eagles and large hawks, which are naturally predators of mammalian prey. To suggest otherwise is at best demonstrative of the lack of understanding of the subject, and at worst obfuscation.

Ministers still fail to understand that an eagle flying in its natural style thousands of feet overhead cannot be 'Directed at suitable quarry'. It will follow instinct. It is not a gun pointed at something to chase. At this late stage, Mr Dignon's failure to understand this is exasperating.

NatureScot have a similar lack of understanding – I am not sure of the relevance of Stan Whitaker's comment about falcons hunting pigeons in cities. He may well have mentioned polar bears hunting on sea ice – it has the same amount of relevance.

Ministers suggest that they can't legislate for one quarry species but different types of falconry. They could if they chose to. The precedent is set in shooting where waterfowl legislation is different above and below the tide high watermark.

Ministers were at a loss to understand why Stanley, and eagles like him, have not flown for two years, and even suggested that we were saying they couldn't fly reinforcing the fact that they have not read the petition details or understand the subject. These eagles are trained for high soaring flight in gale force winds in the mountains. To take them to do that now risks prosecution if they catch a hare. Taken to low ground

without the required orographic lift, they don't know what to do. You can't take a dressage horse to the grand national and expect it to deal with the fences. Different discipline, and eagles cannot be 'repurposed'. Additionally, this high flying is the natural behaviour for the species, and only high ground produces it.

Mr Dignon repeated several times that falconers should avoid hares in the same way that we avoid other protected species like pine martens and red squirrels. We already avoid woodlands where these other species live due to the unsuitable terrain for large birds like eagles, and the fatality risk brought by the fences that surround the woodlands. We fly on mountains where realistically, only mountain hares live. However, the minister goes on to insist that falconry actively hunting hares can continue under licence for pest control to protect trees. So they want to licence us to hunt hares in unsuitable locations where fences risk the lives of our birds, where the trees make it unsuitable for flying eagles, and put us in direct conflict with GENUINELY threatened species like red squirrels and pine martens - that they already tell us that we rightly avoid. The ministers are actually arguing AGAINST their own suggestions in how falconry with eagles can continue without risking threatened species.

Furthermore, Mr Dignon still does not understand the predator/prey dynamics between eagles and prey – which is mammalian, he suggests that to avoid risking catching a hare, we should fly on the low ground, ground occupied by curlew, lapwing, etc, threatened species that live in the very areas we want to avoid but he suggests we go. These bird species do NOT live in the brutal frozen uplands in deepest winter where and when we fly there. The lack of understanding and joined up thinking is frankly unbelievable.

Mr Whitaker (NatureScot) could not provide any information about hare populations, numbers taken by falconry or any measured impact of falconry on hare numbers. He did at least manage to agree that where populations are strong - on managed land tracts that allow us the access to the high places that we need to fly large birds of prey in their natural style, that the impact of falconry was immeasurably small. He also went on to say that in areas where hare populations are small or poor, that the impact would be more relevant. It is obvious therefore that falconers responsible and ecologically sound practice of flying in parts of the Grampians and Cairngorms with hare populations that are very strong - the very regions to which licences are issued to cull hares, is responsible and sustainable. The minister's suggestion that to avoid the risk of prosecution, we should aim to fly our birds in areas where hare numbers

are very low is an ecological disaster, I would even suggest ecological vandalism! To maintain their flawed legislation they want us to go and fly where the taking of a hares could have an impact on local population expansion and local prevalence just to avoid prosecution. This is the most blatant demonstration of both the government being directly at odds with their own statutory advisers (NatureScot) proving it likely that proper consultation was never made because it would have never supported the passing of the bill, and that despite the ministers comment to the contrary, that their **policy has absolutely nothing to do with conservation of the species**, but in fact is simply an act of digging in their heels to defend utterly unjustified objection to modifying legislation to allow falconry in the uplands to safely continue and assure the value and thus the conservation of mountain hares.

NatureScot appeared to accept that the less than 1% of hare population taken by falconry is negligible. The minister said that policy is shaped by NatureScot data and advice. These two facts alone prove that had consultation taken place, falconry would have been exempted from the legislation, and the fact that it wasn't proves that consultation was not made and any advice forthcoming was ignored. With no business & regulatory impact assessment having been completed (Mairi McAllan) and no advance stakeholder consultation before the passage of the amendment, it must be considered that the legislation is illegal?

In final conclusion to the ministers evidence, it is with dismay that I think you will agree, that had they appeared to give evidence the day BEFORE my petition was lodged, they would have delivered the same statements, made the same arguments and reached the same summary because they still do not understand any part of the subject on any level and indeed, still confuse 2lb bird catching falcons with 12lb mammal hunting eagles. It is worrying for any activity connected to the countryside and could be devastating for future conservation legislation.