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08 July 2025



Finlay Carson MSP
Convenor of the Rural Affairs, Islands and Land Reform
The Scottish Parliament
Edinburgh
EH99 1SP

Dear Convenor and Members of the RAI Committee,

NATURAL ENVIRONMENT (SCOTLAND) BILL – PART 4

I hope this finds you well. Thank you for inviting Scottish Land & Estates (SLE) to contribute to the various stage 1 evidence sessions convened in relation to the Natural Environment (Scotland) Bill. Now the substantive evidence sessions have concluded, I am writing to you in response to some of the evidence you have received in relation to Part 4. SLE would be grateful if this could be considered as the stage 1 report is drafted, and would happily address any further questions or queries you may have in respect of the below.

Submissions from NatureScot, 29 May, and Minister for Agriculture and Connectivity, 09 Jun

The above submissions from NatureScot and the Minister in response to several points raised by the committee are helpful. I should also note that SLE is examining the long-awaited Business and Regulatory Impact Assessment (BRIA)¹ referenced in the Minister's submission and will revert with our assessment of its contents. The lack of a BRIA at the point at which the Bill was introduced has not been conducive to effective scrutiny of the Bill's provisions.

Paragraph 5 of NatureScot's submission to the committee² and annex two of the Minister's submission³ refer to the new ground for intervention for nature restoration (section 6ZB). Both reference scenarios "where NatureScot could use the new ground for intervention"² which we comment on in further detail below. However, it is important to note that SLE supports in principle an approach "where intervention would include consideration of incentives (eg NRF or Peatland Action funding) with a regulatory backstop"³. We have been clear that incentivisation, de-regulation and, where necessary, targeted state intervention are all required to ensure sustainable deer management. We maintain, however, that a new subjective ground for intervention based on nature restoration is disproportionate and unnecessary.

In relation to the scenarios, we would offer the following observations:

- **Central belt – peri-urban setting.** The aims and objectives of this scenario are commendable, but the regulatory backstop is unlikely to have a material effect on landholdings with limited resources or where governance is often conducted by committee (e.g., public or community amenity areas). Regulatory backstops have rarely been employed in lowland settings, partly as a consequence of fragmented landownership patterns which pose a unique challenge to collaboration. The lack of exposure by some of these types of landholding to deer management issues means that any use

¹ Scottish Government (2025) Natural Environment (Scotland) Bill – Deer Management – Final Business and Regulatory Impact Assessment. Available [here](#).

² NatureScot (2025) Submission to the Rural Affairs and Islands Committee – The Natural Environment (Scotland) Bill. Available [here](#).

³ Minister for Agriculture and Connectivity (2025) Follow up to evidence session of 04 June 2025. Available [here](#).

of interventionist powers is likely to be met by either disinterestedness or accusations of unreasonableness.

- **Central belt – rural setting.** Notwithstanding the challenges associated collaborative deer management where there are fragmented patterns of landownership, the aims and objectives in this case study are laudable. It is, however, difficult to see how intervention beyond the provision of a deer management plan could be realistically achieved, given the recreational nature of deer management. This is supported by a historical reluctance to use statutory powers in a lowland context, and our assessment is that only a combination of co-ordination (by NatureScot) and incentives would deliver results in this context. Such actions could be taken *without* a new ground for intervention.
- **Upland habitats – peatland restoration.** This case study is indicative of how the new ground for intervention could endanger the voluntary principle that has served deer management well in the Highlands. Pitting a given landholding against others to achieve objectives on land which they neither own nor control is a destructive approach which would undermine trust and collaborative landscape-scale deer management.
- **Transition between upland and lowland Scotland.** While the aspiration of galvanizing a greater number of properties to engage in deer management is wholly agreeable, the notion that this can be achieved through regulatory intervention is flawed. NatureScot's role in such a case study is best served through co-ordination, the provision of advice and the allocation of incentives – something that can be achieved *without* a new ground for intervention. A fragmented pattern of landownership with multiple properties and disparate objectives is likely to further constrain the usefulness of interventionist powers.

Our overarching assessment of the case studies is that much of what is articulated can be achieved *without* a new ground for intervention. Regulatory action is explicitly inferred in three of the six case studies, one of which we doubt is actually feasible. This begs the question as to what the new ground will achieve.

The scenarios provided expose another challenge regarding the Scottish Government's approach. It is clear from these case studies that it is far from certain that regulatory action under sections 6, 7 and 8 of the Deer (Scotland) Act 1996 will be applied. For this reason, we strongly urge that section 12(2) of the Bill is amended so that "the circumstances in which it [NatureScot] will intervene" is revised to reflect "the circumstances in which it may intervene" (emphasis added).

Submission from John Muir Trust and Trees for Life, 09 May

SLE noted with interest the above submission. As one of the stakeholders who challenged the reference to 'one million deer' figure at the roundtable of 30 April, it is curious – although perhaps not surprising – to see certain stakeholders double down on justifying its utility. In response, we would simply reiterate the view of NatureScot, who released the following on 22 February 2024 under disclosure following a request submitted under the Environmental Information (Scotland) Regulations 2004:

"Focusing on national population figures is misleading and unhelpful; national scale population estimates are subject to significant caveats and assumptions, not least because they encompass all four resident deer species (which have different ecology and behaviours which influence reproductive parameters) and fail to acknowledge other important information such as distribution, density, other herbivore populations and habitat details; all of which are relevant when considering deer impacts and thus necessary management actions. Ultimately, whatever the national deer population size, or the size of the populations of each deer species, of much greater significance are the impacts of deer on their environment at local and regional scales."

The signatories to the submission also dispute SLE's evidence in relation to the deer working group report, which did not recommend a new ground for intervention for the purposes of nature restoration of the type set out in section 13(6ZB) of the Natural Environment (Scotland) Bill. This signatories to the submission assert that our evidence in relation to this matter was 'incorrect'. It is, however, a matter of public record that a ground for intervention predicated on nature restoration was not recommended by the deer working group report. As Scottish Ministers observe in the Bill's policy memorandum⁴:

"Whilst the changes proposed by the DWG largely relate to removing barriers to more effective control, they do not fundamentally change the nature of intervention beyond prevention of damage."

In addition, the commentary surrounding the new ground for intervention in the policy memorandum features under the heading: 'amendments beyond the recommendations made by the DWG'⁴. There can be no doubt, therefore, that such a provision was not recommended by the DWG.

The signatories to the submission refer at length to the DWG's commentary in relation to natural heritage, the environment and biodiversity. In doing so, they underscore SLE's view that such matters were given full and proper consideration by the DWG – which is contrary to the view of Scottish Ministers who unconvincingly assert in the policy memorandum that "the DWG were not directed to consider what is required to meet the challenges of biodiversity loss now being expressed"⁴. Given the DWG were commissioned "to make recommendations ... that safeguard public interests"⁵, it seems unlikely that such interests would not have included biodiversity loss (for which two strategies had already been published by the Scottish Government since devolution).

The mere fact that no recommendation relating to a new ground for intervention based on nature restoration featured in the DWG report – despite extensive reference to natural heritage interests, some of which have been referenced by the submission's signatories – rather suggests that such a ground is unjustified and unwarranted. In this respect we are grateful to the submission's signatories for making this point clear by putting on record the DWG's forensic consideration of such matters.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'RE' followed by a stylized flourish.

Ross Ewing
Director of Moorland
Scottish Land & Estates

⁴ Scottish Government (2025) Natural Environment (Scotland) Bill Policy Memorandum. Available [here](#).

⁵ Deer Working Group (2019) The Management of Wild Deer in Scotland. Available [here](#).