

Dear Committee Members,

Thank you for inviting us to take part in the Roundtable on Part 4 of the Natural Environment Bill on the 30<sup>th</sup> of April. We found the conversation to be positive and constructive, laying a strong foundation for the Bill's progress through Parliament. There were however a couple of points of contention we would like to address.

### **One million deer in Scotland and measuring overgrazing impacts**

The figure of approximately one million deer given by NatureScot might not be an exact figure, but it is the best we have and is accurate to portray the scale of the problem we are facing with deer.

NatureScot arrived at this figure by factoring in estimated under-reporting of culls, especially under-reporting of roe deer culls. This is an estimate based on the acknowledgement that the available data is likely to be incomplete.<sup>1</sup>

However, it is clear to us that the steep population increase is indisputable. Indeed, the Red Deer Commission estimated that the red deer population in 1959 was around 150,000. They stressed that such numbers were already too high, and that the population should be reduced.<sup>2</sup>

Others giving evidence alongside us challenged this figure. We would advise Members to ask them to justify 1) why using NatureScot's method to calculate an approximate deer population is invalid, and 2) whether they accept that how we count deer in Scotland does not capture the full extent of the deer population, which is likely to be higher. In any case, the dispute around these numbers simply highlights the need for better data collection concerning deer.

That said, we noted during the Roundtable that the question of the number of deer in Scotland distracts from the key issue of how deer impact on other interests, particularly nature. We do not need a precise figure to properly define and transparently monitor impacts from deer and progress towards healthy condition for different habitats via increased cull levels. NatureScot has been doing this systematically for designated sites since the 1990s.

We also have established methods for assessing the impacts of herbivores on habitats' ecological condition, including their ability to regenerate, diversify and adapt to change. Trees for Life uses this method to guide its deer management on its land at Dundreggan and has trained deer stalking and community groups like the Knoydart Foundation to use the same techniques for their own culling programmes. The John Muir Trust also assesses herbivore impacts on our sites. We are therefore confident that a clear pathway to guide nature restoration through deer management can be mapped

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<sup>1</sup> p.43 [The Management of Wild Deer in Scotland - Report of the Deer Working Group](#)

<sup>2</sup> [A brief history of 'the deer problem' in Scotland - Forest Policy Group](#)

out for stakeholders in a wide variety of circumstances.

### **No conflict between the voluntary principle and the aim of nature restoration**

During the roundtable, Scottish Land & Estates claimed that the Deer Working Group did not recommend grounds for intervention on the basis of nature restoration and argued that “that’s a reflection of the fact that in the vast majority of cases the voluntary principle does work”<sup>3</sup>, effectively pitting the voluntary principle and nature restoration as grounds for intervention against each other.

We disagree. In our view, the voluntary principle gives landowners the opportunity to set their own cull targets within a regulatory framework overseen by NatureScot. The principle does not constitute a right, and the Scottish Parliament is fully entitled to pass legislation that ensures all landowners act within the same framework, as has been the case with the current Deer Act which provides mechanisms for NatureScot to intervene in cases where deer damage is impacting a landowner’s interest.

What the Natural Environment Bill proposes to do is add a new ground for intervention for nature restoration, building upon the existing legislation and using the same rationale for intervention. The voluntary principle would remain, but the framework would be reinforced. If there was no conflict between the voluntary principle and the current iteration of the Deer Act, we do not see how such a conflict would arise with the Natural Environment Bill.

### **History of the need for intervention on nature restoration grounds**

Scottish Land & Estates also argued that “no such recommendation for this new ground for intervention [for nature restoration] was raised” by the Deer Working Group (DWG).<sup>4</sup>

This claim is incorrect. In their report and throughout their recommendations, the DWG spent a considerable amount of time researching the history of deer management for the purpose of protecting the natural heritage, which they define by quoting NatureScot (SNH): the natural heritage “includes flora and fauna, geological and physiographical features, and the natural beauty and amenity of the countryside”. The group further expands on this definition, adding “the interpretation of the definition includes the physical and biological processes associated with the relationships between these components in functioning ecosystems.”<sup>5</sup>

Crucially, the group then explicitly says that the Deer Act was unable to properly protect this public interest in what is effectively nature restoration because:

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<sup>3</sup> [https://www.scottishparliament.tv/meeting/rural-affairs-and-islands-committee-april-30-2025?clip\\_start=11:04:19&clip\\_end=11:05:07](https://www.scottishparliament.tv/meeting/rural-affairs-and-islands-committee-april-30-2025?clip_start=11:04:19&clip_end=11:05:07)

<sup>4</sup> [https://www.scottishparliament.tv/meeting/rural-affairs-and-islands-committee-april-30-2025?clip\\_start=11:04:19&clip\\_end=11:05:07](https://www.scottishparliament.tv/meeting/rural-affairs-and-islands-committee-april-30-2025?clip_start=11:04:19&clip_end=11:05:07)

<sup>5</sup> p.176 [The Management of Wild Deer in Scotland - Report of the Deer Working Group](#)

“During the passage through Westminster of the Deer (Amendment) (Scotland) Bill that led to the Deer (Scotland) Act 1996, the House of Lords had a particular influence on amending the powers to be introduced to protect the natural heritage. The Government had to bring forward amendments to its original proposals to satisfy the concerns of members of the House of Lords with deer stalking interests in Scotland. The result of the amendments in the Lords was that the powers in the 1996 Act to protect the natural heritage were particularly constrained compared to other interests.”<sup>6</sup>

The group then concludes:

“Revising the powers in the 1996 Act to protect the natural heritage is an essential requirement to enable the effective protection of natural heritage interests in Scotland from damage by deer. While the debate has traditionally been dominated by concern about the impacts of open hill red deer in the Highlands, all four species of wild deer have the ability to cause damage to the natural heritage across Scotland.”<sup>7</sup>

It is true that the words “nature restoration” do not appear in the report. But throughout, the group consistently researches the impact of unsustainably high deer numbers on the environment, citing the need to tackle the climate crisis alongside the need to protect the environment as a basis for their recommendations. For example, earlier in the report the group praises FLS’s approach to deer management which includes “regeneration schemes”<sup>8</sup>

If Members are in any doubt that the DWG would not be in favour of a new ground for intervention for nature restoration, they might wish to call on the ex-members of the DWG to clarify their intent when writing the report.

Thank you for taking the time to read our letter. We hope you find it helpful and look forward to bringing further evidence on this crucial topic for Scotland’s wild places to your attention in the weeks and months to come.

Yours sincerely,

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Alan McDonnell

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Trees for Life

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<sup>6</sup> p.178 [The Management of Wild Deer in Scotland - Report of the Deer Working Group](#)

<sup>7</sup> p.179 [The Management of Wild Deer in Scotland - Report of the Deer Working Group](#)

<sup>8</sup> p.158 [The Management of Wild Deer in Scotland - Report of the Deer Working Group](#)