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Pàrlamaid na h-Alba

Official Report

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

Wednesday 13 November 2013

Session 4

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RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE
33rd Meeting 2013, Session 4

CONVENER

*Rob Gibson (Caithness, Sutherland and Ross) (SNP)

DEPUTY CONVENER

*Graeme Dey (Angus South) (SNP)

COMMITTEE MEMBERS

*Claudia Beamish (South Scotland) (Lab)
*Nigel Don (Angus North and Mearns) (SNP)
*Alex Fergusson (Galloway and West Dumfries) (Con)
*Cara Hilton (Dunfermline) (Lab)
*Jim Hume (South Scotland) (LD)
*Richard Lyle (Central Scotland) (SNP)
*Angus MacDonald (Falkirk East) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Richard Cooke (Association of Deer Management Groups)
Mike Daniels (John Muir Trust)
Alex Hogg (Scottish Gamekeepers Association)
Dr Maggie Keegan (Scottish Wildlife Trust)
Duncan Orr-Ewing (RSPB Scotland)
Jamie Williamson (Scottish Land & Estates)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

Committee Room 6

Scottish Parliament

Rural Affairs, Climate Change and Environment Committee

Wednesday 13 November 2013

[The Convener *opened the meeting at 10:07*]

Decision on Taking Business in Private

The Convener (Rob Gibson): We begin the 33rd meeting in 2013 of the Rural Affairs, Climate Change and Environment Committee. Members and the public—a large number of people in the room are not normally here—should turn off mobile phones, BlackBerrys and so on because they can interfere with the sound system.

Agenda item 1 is to decide whether to take two items in private. Do we agree to take in private at future meetings consideration of a draft letter to the Scottish Government on climate change adaptation and behaviour change?

Members *indicated agreement.*

The Convener: Secondly, do we agree to take in private at our next meeting consideration of our approach to the expected Agricultural Holdings (Scotland) Act 2003 Remedial Order 2014?

Members *indicated agreement.*

Interests

The Convener: Agenda item 2 is a declaration of interests. We welcome Cara Hilton to the committee and ask her to declare any relevant interests.

Cara Hilton (Dunfermline) (Lab): I have nothing to declare.

The Convener: Thank you. We hope that you enjoy contributing to the committee and that you enjoy your stay with us.

Deer Management

The Convener: Agenda item 3 is deer management. I welcome our first panel. Dr Maggie Keegan is the head of policy and planning at the Scottish Wildlife Trust, Mike Daniels is the head of land and science at the John Muir Trust, and Duncan Orr-Ewing is the head of species and land management at RSPB Scotland. Good morning.

I refer members to their papers. I will begin with questions on the overarching approach to deer management. I would like the panel's views on the broad approach that is set out in "Scotland's Wild Deer: A National Approach" and specifically on the point that deer management should seek to balance three elements: the environment, economic development and social wellbeing. How do you see that tripartite approach and what are your thoughts about it in general?

Duncan Orr-Ewing (RSPB Scotland): Scottish Environment LINK was involved in development of the wild deer strategy and we were happy that the principles of sustainable deer management were acknowledged. The difficulties revolve around implementation of that strategy and the structures that are in place to deliver sustainable deer management. In the absence of effective deer management planning approaches—in particular, transparent approaches—it is difficult in practice to deliver sustainable deer management. We are here to talk about the impacts of deer on the natural heritage, which are inextricably linked with how deer are managed in Scotland.

Dr Maggie Keegan (Scottish Wildlife Trust): I thank the committee for putting the issue in its work programme. The Scottish Wildlife Trust thinks that the six key threats to biodiversity are climate change, pollution, invasive non-native species, habitat fragmentation, overgrazing by deer and sheep, and inappropriate development. We therefore think that it is crucial that we consider deer management, so we are pleased that the committee is doing so.

We should not forget that we have had 30 years of the voluntary arrangement, which started under the Deer (Scotland) Act 1959. We had more legislation in 1996, under which there were still voluntary arrangements, although the natural heritage was considered. We then had the Wildlife and Natural Environment (Scotland) Act 2011, which made changes and introduced a code of practice. We have had quite a long time to get management agreements up and working, so we should be seeing significant changes in the environment, but we are just not there. As an ecologist, driving up and down Scotland, I look for natural tree line and montane scrub, but I just do not see it anywhere, apart from a 2km stretch close to the Cairngorms. The issue is not just about our nationally protected sites; it is about the wider landscape, and the problems there should be looked at, too.

Mike Daniels (John Muir Trust): We were all involved in developing the strategy and would agree that it has laudable aims, but there are two difficulties. One is the statutory underpinning or enforcement of the strategy. Secondly, on the three pillars of sustainability—environment, social wellbeing and economic development—we all struggle with knowing which is the priority and how we address that. It is all very well to say that we have the three aims and they go happily together, but the environment underpins everything. Surely, especially on designated sites, the priority should be to protect the environment. The strategy goes a long way in the right direction but falls short on enforcement and underpinning.

The Convener: Yes, but the question was also about economic development and social wellbeing. Although you are ecologists, you must have a view on those elements of the question. Are the deer on the range a help to the economy in their current numbers. What about the social wellbeing issues?

Mike Daniels: There are two issues there. The debate is portrayed somewhat as being black and white. We can have lower deer numbers and still have all the social benefits; we can still have hunting, if people want a hunting industry, and we can still have venison going into the food chain. Nobody is arguing for eradicating deer; they are a native species and we all value them. We do not want to fence them out—we want them in our properties. On social wellbeing, the same applies. Deer are part of an economy, which is fine, but there are social and economic costs on the other side. There is the cost that Maggie Keegan talked about of the environmental things that we do not have.

There is also the trampling of blanket bogs and a public cost. At the moment, the Forestry Commission spends £5 million on deer fencing and has lots of other costs, so deer management is not cost free at the moment. There are costs, and a lot of them are being borne by the public sector.

The Convener: Let us think then about the current approach to deer management.

10:15

Alex Fergusson (Galloway and West Dumfries) (Con): Convener, I am sorry to interrupt, but I seek clarification. I understand what Maggie Keegan said about the voluntary arrangements that have been in place for 30-odd years. The code of practice for deer management that came out of the Wildlife and Natural

Environment (Scotland) Act 2011, which had full parliamentary scrutiny, states that

"Sustainable Deer Management is about managing deer to achieve the best combination of benefits for the economy, environment, people and communities for now and for future generations."

Will you confirm that deer management is about a combination of benefits, and not about one benefit to the exclusion of others?

Dr Keegan: I totally agree with that, but when there has been conflict between public and private interests, the public interest has not always won out. There are numerous examples of that. Perhaps I should say that there should be a better balance.

Alex Fergusson: I simply point out that the code of practice has been in operation for less than two years. I know that we will come to that later, but it is an important point. You agree that we are talking about a combination of factors and not one to the exclusion of others.

Dr Keegan: Yes, of course I agree.

Duncan Orr-Ewing: I just want to add to Mr Fergusson's point that, during the passage of the Wildlife and Natural Environment (Scotland) Bill we argued that there should be a statutory duty on all landowners to manage deer sustainably. That was the recommendation of the Deer Commission for Scotland prior to the Wildlife and Natural Environment (Scotland) Act 2011, but the issue was sidelined, for whatever reason.

It is important that everyone takes on responsibility for managing deer sustainably. At the moment, as Mike Daniels said a minute ago, there is no imperative for people to do that, so they can ignore that responsibility if they wish to.

The Convener: We will explore some of those issues in detail as the questioning proceeds.

How well is the current approach to deer management moving towards

"a widespread understanding and achievement of sustainable deer management"?

Dr Keegan: Scotland has around 46 deer management groups, and they are all mapped out on the Association of Deer Management Groups website. I expected to be able to click on the map and have a look at deer management plans, their objectives and the outcomes that they want to achieve, but all the click does is enlarge the map. There is no transparency in the system, so it is difficult to comment on what the website is trying to achieve. It is difficult to say what, apart from our deer management groups trying to manage deer, is going on.

Duncan Orr-Ewing: As has been said, progress has been very slow. We have been talking about the issue since the 1950s, but 28 out of our 54 most protected woodlands are damaged by deer, and Scottish Natural Heritage has recorded 321 out of 1,203 designated sites that have been damaged by deer. Included in those figures are sites that are recorded as being in "unfavourable recovering" condition, which hides a problem: it means that there need only be a plan in place to deliver some action but not that the plan has to be implemented. According to SNH's own reports of a few years ago, 34 per cent of our peatlands are damaged by deer, apart from other grazing pressure from deer and domestic livestock.

Although the focus is on damage to designated sites, far more damage is being done out there in the wider countryside. Sustainable management and the Government meeting its stated policy objectives—woodland expansion and meeting climate change targets, for example—are going to be very difficult, unless we get an effective deer management planning system in place.

Nigel Don (Angus North and Mearns) (SNP): I want to look at the numbers. I am not suggesting that it is all about numbers; we have already touched on many issues and we will come back to them. However, numbers are clearly part of the discussion. I want to put to you a wee calculation to see whether it makes sense to you. It seems to be consistent with what we are being told. I will draw some conclusions from it and see whether you agree with them.

The calculation goes like this. If I have a herd of 1,000 red deer—it could be any kind of deer, but I will talk about red deer—I might reasonably assume that half are hinds and half are stags. If I assume that of the 500 hinds, 400 are of reproductive age and if I accept the number that everybody gives me, some 30 per cent of those will produce a calf each year. That suggests that a herd of 1,000 will produce 120 progeny each year. If I work on the basis that half the progeny are male, then I will get 60 stags a year. The figure of 60 stags from a herd of 1,000 deer every year suggests that I need 16 stags in a herd as a multiplier to get me the one stag that I might want to shoot. Okay? That is my first calculation.

If I am allowed to work on the 30 per cent progeny rate, which is the number that really matters in all of this, it suggests that I would need only eight stags in a herd to produce one calf. Therefore, to provide a sustainable herd on any scale I would need to kill in one way or another one in eight of that herd each year. I note that the figures on page 18 of the Scottish Parliament information centre report show that, solely for red deer, the cull over the past 20 years has been about 60,000. If I am allowed to use my multiplier of eight, then I arrive at a figure of 480,000 deer in

Scotland pretty much every year over that period. That seems to be higher than any estimate that we have. Forgive me for saying that it is about numbers at the moment, but can the panellists please comment on that calculation and say to what extent I have that right and what it might tell us about the number of red deer in Scotland?

Mike Daniels: Thank you very much for that, Mr Don. I would not challenge your mathematics, and I will not come up with a different answer. I think that the broad principles are right. Under the present situation, I would not say otherwise. In the modelling that you used, you multiply by 16 to get roughly the number of sporting stags that you want in the population, and the rest of what you said seems to make sense.

I know that we always get back to numbers and that we cannot avoid them, but our key point is the damage to the natural heritage. All sides in the argument get very hung up on numbers, but it is slightly infertile ground because we do not have a national figure because we do not count deer. Some deer counting goes on in some areas, but not a lot of counting is done in the woodlands. A huge number of deer live in woodlands, but the counts remain estimates. All the figures that we have produced are figures that have been published by the Forestry Commission Scotland or by the SNH deer count. We take the estimates as being roughly right; I think that everyone would agree that the population of herds is somewhere in the order of 350, 400, 500 or 1,000.

The key point for us, though, is very much what impact the herd number has and how we base sustainable management on that. In my experience of the deer management groups on which I sit, the calculation is based on how many stags people want to shoot; it is not based on what the environment monitoring or habitat monitoring is saying about what is sustainable. Other countries have a different system that is very much based on what the ground can produce and what the habitat objectives are, with the sporting cull calculation coming after that.

The problem is that we look at the issue through the wrong end of the telescope, because we are always talking about numbers and how many we want rather than about what Scotland as a whole can sustain. We can ask how many deer we want in Scotland because we are the predators now; the deer have no natural predators. In effect, we can have as many deer as we want. The deer population will continue to rise unless there are big die-offs in the winter; we get die-offs in which 1,000 deer die.

To answer your question, Mr Don, I think that you are broadly right about the number. The science that we have is not accurate, but we have an idea of the rough number for herds. From an environmental impact point of view, the number is far too high in certain areas.

I will make a quick comment on another issue, which is that the Deer (Scotland) Act 1996 talks about

"damage to the natural heritage",

and SNH has focused that on designated sites, but the act does not talk about designated sites; it talks about "the natural heritage". We think that there is a much broader issue: it is not just about designated sites—herd numbers have an impact everywhere.

Nigel Don: I would like to pursue that, unless anybody else wants to disagree. I am grateful for your confirmation, but I would like to explore why the panellists feel that there is any demand whatsoever for having those numbers of red deer if people on sporting estates want to shoot only 4,000 stags. Other folk will have to get out there with their guns and shoot another 60,000 stags, which seems to me to be a quite disproportionate excess. I do not want to comment on anybody's motives, but that seems to be entirely inappropriate.

Dr Keegan: That is a question that you have to ask people on estates.

A lot of science has been done, and SNH's 1994 policy mentioned that high deer numbers impact on the condition of deer. High hind numbers also impact on young stags, and more can die off in the winter. Furthermore, because of high numbers and as there are fewer resources for them, our hinds do not necessarily reproduce until the third year; in other countries abroad, they can reproduce after year 1 or year 2.

There is also research that shows that, with high deer numbers, if the hinds are in poor condition they will produce more females than males. If we want a healthy deer population, it is therefore in our interests to have lower numbers. There can then be bigger stags: the size—even the antler size—is all based on nutrition.

I think that there has been a problem in the past, in that the scientists have not necessarily conveyed the information, which has all been available, and there has been a lot of tradition on the estates. There has been a problem in that the two simply have not met in the middle somewhere.

Duncan Orr-Ewing: Our deer densities in Scotland by land area are 10 times the density in many other comparable European countries. The sporting stags cull on Scottish sporting estates is currently 4,000 a year. A population of around 60,000 to 70,000 head of deer would be needed to maintain that figure, whereas we have a population of 400,000. We therefore think that an appropriate question to ask the land management

sector is why we need to maintain such high numbers. It is partly because the capital values of estates are still based on the number of sporting stags that are shot, which means that people maintain high deer numbers on their land.

Mike Daniels: As I have said, we are slightly nervous about numbers, as this is not an exact science. The 64,000 is a minimum number—you could certainly argue that the number should be more than that. If somebody on an estate has a guest to take out on a particular day, they will want a bit of security. They could say, "This is the number of stags I need, but if I had a few more or doubled that, it'd be a bit better if there's a west wind or whatever."

What people will want is understandable. If their motivation is security, they will want as many stags as possible in as many places as possible for taking out a client, as they will get a nice tip at the end of the day. That is totally understandable: the science is one thing, but there is also the security blanket that people want.

There is also the fact that things are not done in a co-ordinated way. A private estate owner will want to maximise what they can have, and everyone will do the same thing—there is no incentive for them to do anything otherwise. There is therefore a question of where the incentive lies.

That takes us back to the point at the beginning. Without statutory underpinning, we are relying on self-regulation and voluntary decisions and, if you look at what has happened, you will see that the numbers have gone up as a result.

Alex Fergusson: I would like to tease out the question of numbers. I do not disagree that the key question in the area that we are looking at is the impact on the biodiversity of the country, but the numbers are important.

In my experience as a former sheep farmer, the carrying capacity of the ground that I farmed depended on the stocking rate of the sheep that I put on the hill. Each area of hill has a natural carrying capacity. I suggest, therefore, that the numbers are quite important. What is more important than the total number of deer is the density of the deer in the country and their impact on the natural environment. I do not think that anyone would argue with that.

10:30

I will take a second to look at the figures in the Scottish Parliament information centre briefing, as I find them interesting. There is a comprehensive chart of deer counts over the years, going right back to the 1960s in some cases. As I am not a mathematician of Nigel Don's ability—he could probably just look at the chart and reel off the figures—I have had to do a bit of paperwork on the matter.

If we take the pre-1970 counts, which I think the witnesses will agree were done mostly on the ground, and look at the area over which the counts took place, we see that there was a stocking density of 6.66 deer per km^2. That is evident from the figures that we have been given.

The most recent figures have been done from the air, which is probably more accurate than ground counting, and they give a stocking density of 8.31 deer per km^2. That is a difference of 24 per cent between the pre-1970 counts and now, which is a very different figure to the suggested increase in total numbers that we have been given.

Back in the 1960s, 1970s and 1980s, one was counting over a certain amount of ground and coming up with the numbers of deer that were on it, which is perfectly reasonable. However, I do not think that anyone can argue with the fact that, as we are now able to cover a much greater area of ground by air counting, we are bound to find more deer.

I contend that the stocking density increase suggests that the increase in the number of deer is not quite as great as might be suggested by looking at the figures in another way. Of course, figures are always difficult. However, I find it interesting that there is scientific evidence to suggest that counts by air are 24 per cent more accurate than counts on the ground, which—remarkably enough—is exactly the same difference as has been shown to exist between the pre-1970 counts and the current count.

I would like your comments on the stocking density, which I contend is the most important figure that we need to look at when we discuss the subject.

Mike Daniels: As I said at the beginning, we are not hung up on numbers—our key issue is the impact on natural heritage. We accept that there is a debate about numbers—in a previous job, I did quite a lot of counting with the Deer Commission for Scotland, and I am aware of the research that Alex Fergusson mentioned with regard to comparing helicopter counts, ground counting and dung counting.

I am happy to go over the finer points. There are two key points. Whichever index is used, it is undoubtedly true that the numbers have gone up, whether that is by 24 per cent or 100 per cent. There could be a big difference, but in some areas the densities are now very high. For example, the densities in the Caenlochan area had reached 40 per km^2 before action was taken.

I go back to the point about looking at the impact on the ground. We need to ask, "Where are

the natural tree lines, the montane scrub, the riparian woodland and the peatlands that have not been trampled?" If we look at Scotland's landscape—or out of the window anywhere in the Highlands—we see a very denuded, overgrazed, damaged landscape in many areas, although I am speaking broadly.

That is what the issue is, and the numbers are part of that. Some areas can support a lot more deer than other areas, which can tolerate only very low densities. Numbers are certainly an issue.

I just quoted published figures from the Forestry Commission's recent consultation on its policy. The Forestry Commission gives the figures for the current estimate based on SNH data, so I am just pointing out what the Government figures say.

There has also been an expansion of woodland populations, and there are more roe deer. There is a trend going in one direction. The densities may be X or Y, but we are looking at the impacts, which are undeniable.

Duncan Orr-Ewing: We need to cross-refer to other stated Scottish Government objectives, such as meeting climate change targets through the protection of peatlands, for example. Let me take woodland expansion as an example. In order to achieve native woodland regeneration, we will need deer densities of less than five per km^2, whereas—as Mike Daniels said—the average deer densities are probably double that amount in most places in the Highlands.

If we are to meet climate change targets and woodland expansion targets, that will mean deer reduction in many parts of the current red deer range.

Dr Keegan: With regard to the deer management code and the document "Scotland's Wild Deer: A Natural Approach", which came out before that, one of the things that we need to bring into the mix in setting deer densities is the effect on local habitats or the area in which a deer management group works.

The issue is a habitat's capacity to support the deer number; because that will vary wherever you might be, you cannot simply say that six or seven deer per km^2 is good for Scotland. In some areas that might be fine, but in others it might be too low for what you want to achieve. As a result, the kind of habitat monitoring suggested in the code should form part of the work of deer management groups and deer management plans in order to determine not only the stag numbers that the groups want but the land's capacity for deer.

Alex Fergusson: I have a couple of brief supplementaries, but I must first thank the witnesses for their responses. I absolutely accept that there are local differences in deer population, but my understanding of local deer management groups is that they were set up to look at such issues.

Dr Keegan: Exactly.

Alex Fergusson: In my opinion, they need to be given time to work.

Going back to my former farming experience, I have to wonder why, if overgrazing is such a problem, we get the kind of wild fire that I think happened in the Assynt area in 2011. Herbage will never burn like that if an area is as overgrazed as you seem to be suggesting. In that light, I think that we need to focus on stocking density rather than overall numbers as far as damage to the areas that interest you is concerned.

Duncan Orr-Ewing: It is very difficult to have a proper debate when we do not actually have an effective deer management planning system. At the moment, there is a voluntary approach. Only 16 out of 42 deer management groups have a deer management plan, most of which have been developed by the groups themselves without any public consultation. To a large extent, they do not recognise the public interest in, for example, wild fire, peatland protection, woodland expansion and other issues that we have highlighted.

Scotland urgently needs an effective deer management planning system that recognises all those wider public interests. Because we do not have that, it is very hard to have a debate on this issue. The private interest very much subsumes the public interest in the development of the plans. Any other land use sector that you can think of at least has effective overarching planning in place for natural resource management.

Mike Daniels: Sheep farming was mentioned. What is called the natural mortality but which is actually winter mortality of deer varies quite a lot from year to year. Two or three years ago, for example, more than 10,000 deer starved to death, which, as far as welfare is concerned, is a pretty horrendous number. Carrying capacity was mentioned earlier, but I think that all you need to do is look at winter mortality. Deer are called wild in some instances; on the other hand, we claim that we manage them but in late winter and early spring you will find dozens of them lying dead up against fences. I would argue that sheep farmers would not accept that sort of thing.

Alex Fergusson: Sheep farmers have to accept that because the problem is exactly the same with sheep. In a hard winter, you lose more sheep on the hill—it is as simple as that.

I will not extend my questioning, convener, but I think that some points have been raised that we will need to come back to later.

The Convener: I think that we probably will. I have to say that, if that was just the general introduction, the specifics are going to be even more interesting.

Indeed, I ask Graeme Dey to ask about some of the specific issues.

Graeme Dey (Angus South) (SNP): Good morning. So far, we have heard only general broad assertions about the situation. Can you provide the committee with specific examples to illustrate the impact of deer and current deer management practices on the Scottish Government's economic, social and environmental policy targets?

Duncan Orr-Ewing: Our submission, which I think has been circulated to the committee, highlights very specific examples of deer damage to the natural heritage, including

"suppression of tree and shrub regeneration, leading to ... loss of woodlands ... eradication of tall herb, scrub and shrub communities and replacement with grasses ... loss of species' diversity ... locally severe physical poaching by trampling of deer"

to peatland sites, causing erosion, and

"loss of woodland grouse"

because of collisions with deer fencing.

Only 1,200 capercaillies are left; the population is hanging on by a thread. We know that, for example, damage by deer to the shrub layer in the woodland that the birds depend on is causing serious problems in places such as Deeside. In addition, deer fencing, which we know kills capercaillie, is still in place in woodland.

We have given a lot of examples of not only damage to designated sites—SNH has provided plenty of information on that—but damage to the wider countryside, including woodlands and peatlands, and the deer fencing and bird collisions, which is relevant to the debate, too. There is a lot of evidence of damage caused by high deer populations to natural heritage interests.

Graeme Dey: Is there a part of the country that you can point to, say that the deer management agreement in that particular area is not working and tell us what its impact is? Do you have examples?

Mike Daniels: We are involved in a particular case up in Ardvar—the convener knows about the case; it is in his constituency—in which a designated site has been damaged for the past 20 to 30 years by deer impacts. Nobody is arguing about that; the deer are causing the damage to the woodland. That is one example, but there are others. I cannot remember whether the number is 34 or 38, but we listed a number of our woodland sites most protected at international level that are damaged by deer.

I think that either the Forest Enterprise Scotland or the Forestry Commission Scotland has been carrying out a native woodland survey across the country. Although that has yet to report, I understand that a key finding is that the entire woodland resource is damaged by deer. As I said, there are specific instances of damage, but there is also a wider impact.

It is a case of what we call shifting baselines. When you look at what you are used to seeing and what you grew up with, you do not see much change because it is slow, but if you look at what the potential could be and what things were like a long time ago or what they could be in the future, you see that lower deer numbers could make a major difference to how our landscape is affected.

Dr Keegan: The 2020 challenge for Scotland's biodiversity, which the committee has discussed, aims to

"protect and restore biodiversity on land and in our seas, and to support healthier ecosystems."

What needs to be done? We want a national ecological network with the

"restoration of native woodland, montane scrub and near-natural treelines where these have been suppressed or eliminated by grazing and burning."

The strategy talks about protected sites, woodland expansion and habitat restoration. A key outcome is:

"Deer and habitat management will be more closely integrated to sustain biodiversity."

I would have thought that, with the present management, a question to ask SNH is whether we are confident that we will get anywhere with the strategy without getting a grip on deer management.

Graeme Dey: Being realistic, given that the code of practice has been in place only for two years, are we being unreasonable in our expectations of what improvement should have been made during that period, or is the situation so bad that it has been proven that the code does not work?

Mike Daniels: The code is a bit of a red herring because, despite our protestations when it was introduced, it applies only to public bodies. It has no bearing on landowners; it is legally binding only on public bodies. I am not really sure what difference the code makes.

The Deer (Scotland) Act 1959 started to look at things, but the Deer (Scotland) Act 1996 talked about damage to natural heritage and there was a recognition that managing deer has to take account of the public interest in natural heritage.

Deer management groups have been in place for, I think, more than 30 years, and yet here we are desperately trying to talk about the issue and only 14 have plans.

As I mentioned, I sit on a lot of deer management groups and we do not really discuss habitat management. The honest truth is that they are only interested in stags, which would be fine if they were stag clubs. However, there is now a much bigger public interest and, despite the best efforts, we are not getting to where we want to be fast enough. Everything takes time but, rather than two years, we have had 30 years—if not longer—and we have not seen huge strides towards change. This process will at least chivvy that along.

Duncan Orr-Ewing: I have one small point to add. In 1994, SNH produced a report entitled "Red Deer and the Natural Heritage" in which it recommended, among many other things, an effective deer management planning process.

There was also a recommendation in the report for a red deer reduction cull of 100,000 at that time. Since then, there has been a continuing increase in deer numbers, with persistent damage to natural heritage interests. I would say that little has changed.

10:45

Jim Hume (South Scotland) (LD): You have already mentioned the impacts on designated sites, and you have covered your views on the countryside more widely. I have to admit that I am a past sheep farmer; as some of you know, my sons are carrying on working with traditional hefted sheep, of which there would have been similar numbers on the hills 400 years back. However, I am also a past trustee of the Borders Forest Trust, so I know about work that is going on in many areas of the south of Scotland—and also in other areas, I am sure—to plant more montane scrub and indigenous woodlands, alongside traditional methods.

I am interested in two points. First, are the impacts mainly in the north of Scotland, or are they also in the south of Scotland and mid-Scotland? How are changes in designated sites and the wider countryside being measured?

Duncan Orr-Ewing: The monitoring information for designated sites is far better than it is for the wider countryside. That is probably a question to ask SNH directly. The figures that we have given to you have come directly from SNH reports, which indicate that excessive deer browsing is one of the major impacts in a range of woodland and upland sites in Scotland. That focuses to a large extent on red deer damage, although roe deer damage will also be a component.

The information is less good, to be frank, in the lowlands and the wider countryside—apart from in designated sites in the lowlands—but there is information relating to some species. I have given the capercaillie as an example. We know that deer damage is having quite a significant effect on capercaillie populations in the wider countryside. I do not just mean the deer damage itself; there is also the associated impact that the fencing that is needed to protect woodland from deer damage causes capercaillie fatalities.

Dr Keegan: I will add something about lowlands. You might be thinking more about roe deer. Being more of a woodland species, they pretty much browse out the understorey, which can affect woodland birds. An example from down in England is the decline of the nightingale, which has been directly linked to increased browsing by roe deer. You will probably see other impacts in the central belt, where roe deer are. People might notice more of them in their gardens. They will also notice collisions and so on. The impacts depend on the species concerned, in their different habitats.

As regards wider interests, an SNH-commissioned report examined peatland damage. SNH estimates that 30 per cent of peatland in Scotland is eroded. A combination of deer and sheep is causing that erosion.

Mike Daniels: The more controversial or bigger issues tend to involve red deer. Red deer herd, whereas roe deer are more territorial and their densities do not build up as much. Roe deer might expand their areas, and issues can arise when they move into areas such as new housing estates, gardens or graveyards, but the bigger issue is mainly to do with red deer densities.

Jim Hume: That mainly concerns the north and the south-west, therefore. Regarding the point about fencing, I have been involved in projects to help black grouse. That involves putting little flashing bits of shiny metal on deer fencing and other fencing. Even if there were far fewer deer, deer fencing would still have to be put up round forestry, I would have thought. Would that not be right?

Duncan Orr-Ewing: It depends what densities of deer there are in the area. The Forestry Commission produces guidance on the protection of woodlands where it is funding the deer fencing. The presence of the woodland grouse species, both black grouse and capercaillie, is a factor in the Forestry Commission determining whether it will fund fencing to protect young native woodland.

Angus MacDonald (Falkirk East) (SNP): Good morning, panel. The committee will be aware that I have raised concerns in the Parliament about the dramatic decline in hill sheep numbers, not least

on the Isle of Lewis, where I hail from originally. Unlike my colleague Jim Hume, I do not have to go back 400 years—just 20 years ago, there were hundreds of sheep on the hills and the common grazings, whereas now you are lucky to see one. Mike Daniels mentioned shifting baselines. What are the consequences of declining hill sheep numbers for the natural heritage, and what are the implications for deer impacts and deer management?

Mike Daniels: Declining sheep numbers have the impact of changing grazing across large parts of the country. In some cases, that might be beneficial, purely from an environmental point of view—it might be possible to get montane scrub in areas where there was sheep grazing in the past. From a social point of view and a sheep farmer's point of view, the situation is different but, purely from an environmental point of view, reduced grazing might have benefits in some areas. Some designated sites and grasslands require high grazing levels, so I think that the decline in hill sheep numbers will have implications.

As far as the impact on deer is concerned, what science we have would suggest that, with sheep numbers reducing, deer will move on to that clean grass and deer numbers will increase. If anything, the decline in sheep numbers will give the deer population another turbo-charged boost, because they will suddenly have access to grazings that, previously, the presence of sheep would have kept them off, and they will graze it hard. If anything, that will simply exacerbate such problems later on. It may mean that some areas will be able to sustain higher deer numbers than they could in the past, when there were sheep there. That will be the situation in some places but, overall, it will probably lead to an increase in the deer population.

Dr Keegan: In setting deer numbers to manage the habitat, a consideration would be what sheep are grazing. All grazers have an impact on the environment. That might be a discussion for another day but, in some areas, it is not just deer but sheep that are having an impact. However, there will be a bit of a vacuum if, as you say, the sheep numbers are declining and deer are moving in.

Angus MacDonald: Would you say that we are already seeing an increase in deer numbers thanks to the decline in sheep numbers?

Dr Keegan: I think that about 1.5 million sheep have gone—the James Hutton Institute has done a report looking at the impacts of sheep and deer and the interaction between them. Sheep and deer have slightly different grazing patterns—sheep tend to concentrate in the same area more, whereas deer roam around more. They nibble things in a completely different way. We should be looking at managing the habitat, depending on what grazers are there. It does not matter which animals are grazing the land—if they are doing damage, it is necessary to intervene somehow.

Duncan Orr-Ewing: I have an additional comment. In the past, the Macaulay Land Use Research Institute did quite a lot of work on what levels of herbivore browsing were necessary for sustainable management. There are various models that can be used to look at the interactions between deer and sheep and what levels of grazing are needed for sustainable management.

Angus MacDonald: Thanks for that. We will have a look at the Macaulay institute research if we can get hold of it.

Jim Hume: From what Maggie Keegan and Mike Daniels said, there seems to be a presumption that sheep grazing is bad for biodiversity. In the past, when bits and pieces of land were fenced off under rural stewardship schemes, the plant biodiversity would suddenly disappear. The grasses would grow and the flora—things such as butterworts, orchids and tormentils—would disappear. Could you clarify that it is the case that good pasture can provide good biodiversity?

Dr Keegan: We have a flying flock of sheep, which we graze where we have wildflower meadows. What you have said is exactly right, because rank vegetation can smother some of our native flora, so we use the flock strategically. We are talking about people's livelihoods. I was making the point that in some areas there is more than one thing to consider, and we must look at everything in the round to see how to manage it in the best way, but I am not suggesting that we should be moving sheep off the hills.

Duncan Orr-Ewing: All our organisations recognise that grazing is an important component of healthy ecosystems, whether that involves wild herbivores such as deer or domestic livestock, which organisations often use to achieve wildlife management on our sites. We recognise that both have a role to play.

Alex Fergusson: The evidence that we have been sent shows that there are clearly two sides to the argument in this debate. I have to say, from a personal point of view, although I was not involved in the committee in the previous session, that I cannot help feeling that we have heard all those arguments in the recent past and that, like it or lump it, Parliament came to a pretty clear conclusion and introduced the code of practice in the Wildlife and Natural Environment (Scotland) Act 2011, which went through full parliamentary scrutiny.

Given that the code of practice has been in place for less than 18 months, I find it difficult to

understand how you can argue that it is ineffective. You have described the current system of deer management as unfit for purpose. You made all these arguments two years ago—very forcefully, I am sure, if not convincingly—and I wonder how you can continue that argument less than two years after the code of practice has come in.

Duncan Orr-Ewing: Before the Wildlife and Natural Environment (Scotland) Bill was consulted on, there was a proposal by the Deer Commission Scotland to impose a statutory duty on all deer managers to carry out sustainable deer management on their land. Eventually that proposal was withdrawn and it was never consulted on, so in effect we have only ever been given one option, which is to work with the voluntary approach. We would ask SNH to start looking at other available options, and we have suggested a statutory deer management planning model. There are other models, including halfway house-type models and models from other countries in Europe that we have never considered properly—all countries in Europe manage deer populations in one way or another.

We hope that, as part of its evidence gathering, the RACCE committee will ask SNH to carry out a thorough review of other models that are available for us to look at. If people do not agree that the statutory model is the right approach, there must be models other than the voluntary model that we could also consider, but we have never been given those options. We have been told that the voluntary model is the only one.

Alex Fergusson: I understand that entirely. However, with great respect, the Parliament decided—in its wisdom or otherwise—to pass the Wildlife and Natural Environment (Scotland) Act 2011, the consequence of which was the introduction of the code of voluntary practice less than 18 months ago. I return to my question: how, after that period of time, can you be so sure that the code is unfit for purpose? It seems an extraordinary accusation to make against a piece of legislation that went through the Parliament with full scrutiny in this committee—I am not biased, because I was not a member of the committee at the time—and I find it astonishing that this debate is continuing after such a short period of time.

Mike Daniels: I have pointed out before that the outcome of that was that the code applies to public bodies, so it does not change anything for private landowners. The argument is therefore that nothing has actually changed. The code applies only to SNH, local authorities and other public bodies; they are the ones on which it is legally binding, and we do not expect any changes there. If we look at the on-going conflicts—at Ardvar and Mar Lodge, for example—we see that, whenever anyone tries to reduce deer numbers for conservation interests or in the public interest on designated sites, there is a big outcry from neighbouring sporting estates, which say that their livelihood is endangered and that it is all terrible. That demonstrates that the current system is not working. It causes a lot of conflict and bad feeling locally, and it is not fit for purpose. The stakeholders in the groups that are trying to manage the deer numbers are those same landowners. The argument has not changed. As Duncan Orr-Ewing said, the WANE debate did not look very far at options; it looked at tinkering at the edges.

11:00

Alex Fergusson: Surely the whole point of deer management groups, where they exist and where they have a plan, is that all stakeholders—public and private—come together to discuss the issues involved and work out a local management plan to address the issues, all under the auspices of SNH. It has had a very short period to work. You have not really answered, to my satisfaction, why you think that it is not working.

Duncan Orr-Ewing: The description that you give about deer management planning is not what is happening in practice. As Maggie Keegan said, if you go on the ADMG or SNH website you will not see deer management plans. They are not available for public scrutiny. Many of them have not had public consultation in the way that you are suggesting. They are developed by deer management groups, usually to reflect the sporting stag interest rather than the public interest. We would argue that they are not the documents that you are suggesting. As we have said, fewer than half of the deer management groups have deer management plans in the first place.

SNH has powers under section 8 of the Deer (Scotland) Act 1996 to intervene in the public interest. That measure was refined during the WANE act, ostensibly to make it more straightforward for SNH to intervene in the public interest. That power has never been used, which we think is because, effectively, it is unusable. It is complex and requires a lot of evidence. The fear is that it could be subject to legal challenge. That is why we are saying that, from where we are standing, the current system seems unworkable.

Alex Fergusson: I will have one last go, if I may—I do not want to encroach into the next question.

You raised the subject of section 8, which suggests that there is a measure of statutory regulation implicit in the WANE act and the code of practice. Before a section 8 scheme is implemented or brought into being—whatever the

right terminology is—SNH would have to identify a problem, agree that it is a problem and go through the whole process laid out in the code of practice. That is bound to take some time. I repeat that we have had the code of practice for less than 18 months, which is not an unreasonable amount of time to identify a problem and try to address the issue of what to do about it. I understand that there may be a section 7 agreement in the offing; strangely enough, for one of today's panellists, it is a possibility. Surely it is natural that these things take an element of time to highlight and bring to fruition.

Duncan Orr-Ewing: Section 8 has been available since 1996 and has never been used—

Alex Fergusson: Under the WANE act—

Duncan Orr-Ewing: The provision was modified—

Dr Keegan: But it has not changed much. In fact, sections 7 and 8 were there in 1959, 30 years before. Section 8 of the 1996 act has never been used. In the 1996 act, consideration of damage to natural heritage was brought in. The WANE act has only subtly changed things. Okay, we have the code of practice but, since 1996, we should have been considering the natural heritage in deer management agreements and we do not think that that has been the case.

Alex Fergusson: I will finish here, convener, and thank you for your indulgence.

I think that we could argue quite strongly that the fact that a section 8 scheme has not been introduced in all the time that it has been available would suggest that there is a measure of success in the voluntary arrangements of deer management practice.

Dr Keegan: That would not be our assumption.

Alex Fergusson: I realise that.

Graeme Dey: Is the panel saying that out of 49 DMGs, not one is functioning in a way that could be held up as an example of good practice?

Mike Daniels: I would not say that, but I would say that it is a voluntary system. There is a code of good practice, but how do you measure that? Would you measure it in terms of sustainability? Would you measure it in terms of habitat impact? We need to know what the habitats are. Is that being done? Not very well. Does the group have a deer management plan in place? Only 16 do. We cannot measure it.

To be fair to the current voluntary system, it is set up to do one thing—which it does quite well—which is to discuss how to divvy up stag culls. It does not really do anything else. It is trying to do other things but, unless there is some underpinning or something to force it to do it, I do not think that it will. That is not to say that there are not some examples that are working well in the context. However, it is about a fundamental change. The current voluntary system is great in that it brings people together and helps in one sense, but it is not really addressing what we see as sustainable deer management.

The Convener: Okay. We will get more detail about that in a minute. We are trying to stick to the control orders just now. Claudia Beamish wants to explore that issue further.

Claudia Beamish (South Scotland) (Lab): Can you give us more detail about the effectiveness of the agreements under section 7 of the Deer (Scotland) Act 1996? You have referred to existing possibilities under that section, which I did not know about. There have not been any compulsory control schemes under section 8 of the 1996 act. Can you tell us in detail why that approach has not worked, perhaps because of the burden of proof?

Dr Keegan: Mike Daniels can give you an example from Ardvar. How long has that section 7 agreement been in place?

Mike Daniels: The SPICe briefing lists all the section 7 agreements, of which 10 or so have been in place for a while. There are two parts to the issue. First, once a section 7 agreement is in place, the designated site is deemed to be "unfavourable recovering" because it is seen to be recovering. The section 7 agreement is a reasonable process—it is relatively good—but SNH has interpreted "the natural heritage" as just designated sites. Why does section 7 not apply everywhere? In effect, it is a form of statutory management.

The problem with section 7 agreements is that they are voluntary—the wording of a section 7 agreement says so—and it is not clear what will happen if a landowner does not want to take part. At Ardvar, for example, one of the landowners has decided that it does not want to take part in the agreement. It has never been party to the existing agreement, and it does not want to take part in the next one. I am not sure how the agreement can work without one of the parties being involved—it is dead in the water and does not really work.

Secondly, a control scheme under section 8 is very much a one-off measure. There is statutory provision to enable SNH to carry out a cull, but that would be a one-off and would not really deal with the long-term problem—it is not a deer management plan into the future.

At the very least, we could improve the section 7 agreements and section 8 control schemes, making them more widespread and reviewing them to ensure that they work. However, the approach is still very much a voluntary one.

Dr Keegan: The question is probably one for SNH. We have asked why it has not used its section 8 powers in 30 years. I was not involved in the WANE bill, but I read the evidence on it. Dr Milne will appear before the committee next week, and in his evidence he admitted that he did not think that section 7 agreements or section 8 control schemes were workable because the burden of proof is quite onerous. We are talking about costs and benefits, and it is costly to gather all the evidence. That is rightly the case, because if you are going to slap a cull on a landowner and they will have to bear the costs of that cull, you must have the evidence for it. However, it is sometimes difficult to get the evidence to stack up. That is one of the problems with the powers in sections 7 and 8, and it is perhaps why they have never been used more widely—it is not because all the existing agreements are working. As Mike Daniels says, section 7 agreements are voluntary; if an agreement does not work, a new one can be drawn up. I think that that is what has happened at Ardvar.

Duncan Orr-Ewing: The measures are, in effect, sticking plasters, whereas we would encourage you to think about what we need in a long-term, sustainable deer management system.

The Convener: Thank you. We will move on to another question on statutory deer management.

Richard Lyle (Central Scotland) (SNP): Are the measures sticking plasters? What you are suggesting is a massive cull of deer. From Nigel Don, I think, we heard that we need 60,000, but we have got 400,000. I am not averse to that culling, because I am hearing that the deer population is damaging the natural habitat. I was previously against culls, but I will have to think about that.

I will move on to the question that I really should be asking you. We have two sides: you are saying one thing, and the Scottish Gamekeepers Association is saying another. In relation to making deer management statutory, the SGA submission states:

"It also presupposes that those with the requisite skills to manage the land and its deer properly are not the skilled working people native to that land area but appointees by central government."

You are not appointees of central Government and you are suggesting that we have to look at the issue seriously. I take the point—I was not on the committee when it considered the WANE bill two and a half years ago, but I think that, as you suggest, it is not working. How would you respond to the Scottish Gamekeepers Association's critique of what a change to statutory deer management might involve? How would a statutory system balance social, economic and environmental considerations? You are not Government appointees and your suggestions about what we need to do to manage the problem are different from those of the SGA.

Mike Daniels: The issue is portrayed as very divisive, but it is not. We are arguing that the gamekeepers are the skilled people who need to do the work; they are doing it already—60,000 deer are culled each year. All we are saying is that gamekeepers should be doing a bit more culling. They could do that in an area and still maintain their employment; in fact, there may be more employment. On estates where there have been reduction culls—whether Creag Meagaidh or Glenfeshie—there is no evidence that employment has gone down, if that is part of the argument against more culls, and it is certainly part of what we are all interested in.

It is wrong to say that the argument is totally black and white. We have the skills in place, we have the experience and we have the ability to do it. It is the leadership that we need, which we would like to think would come from the landowners. However, for more than 30 years, there has not been that leadership. The next argument is whether the state needs to give people a poke in the right direction, and we have tried that. We have had the Deer (Scotland) Act 1959, the Deer (Scotland) Act 1996, the wild deer strategy and the code—we have been trying to give people every hint possible that there is a fundamental problem.

We are not saying that this is the end of stalking or that sport shooting is wrong; we are just saying that we need to address habitat impacts much more seriously, and that we can do that. It is slightly scaremongering to imply that we are threatening traditional deer management; we are not. We are just saying, "Come on guys—do a bit more of it."

Duncan Orr-Ewing: If we had a transparent system of deer management planning that involved all stakeholders having their say—perhaps co-ordinated by SNH—and if documents were authorised by SNH and were out there defining the public interest as well as private sporting interests, the scope for conflict would be far less. There would be a defined plan that people were signed up to, with everybody agreed that SNH would be the ultimate arbiter.

Richard Lyle: So we really need everyone to sit down and work together. We really need to involve the people who say that they are not really bothered about the WANE act or that they are not going to do anything about it. I liked your earlier point, Dr Keegan, about going on to a website and being unable to find the policies or the action plans. I have been informed that in some areas there are 55 deer per km^2. You are suggesting that

five deer per km^2 is the best ratio but that in some areas there are nine.

Duncan Orr-Ewing: One of the suggestions in our submission is to do with natural heritage zones. It is really for SNH to provide some advice on that, given that it is the Scottish Government's natural heritage adviser. SNH has a system of natural heritage zones, with defined zones across Scotland. We could have a system of defined deer densities across natural heritage zones, but the point is that we have never had that discussion. We have never been given any option other than the voluntary approach, so at the moment we do not have a transparent system of deer management.

Alex Fergusson: Some of the figures that Mr Lyle referred to concern what has become known as the 12:4 dilemma. That is black and white; I think that I am right in saying that—in a nutshell—stalking interests say that they require a stocking density of 12 deer per km^2, whereas you suggest a density of four deer per km^2 to allow the regeneration of woodland and for other aspects of your interests, without the need for fencing. I live in south-west Scotland, which has had a massive amount of forestry regeneration—although some of it is not particularly attractive—and none of that would have happened without fencing, but perhaps that is for another debate. How do you solve the 12:4 dilemma, which involves two very different interests?

11:15

Mike Daniels: Fencing is key to the debate. I take slight exception to the idea of "your interests" and "our interests". It is in everybody's interests to get biodiversity and to maximise what Scotland can produce in all ways.

Fencing is seen as a solution. We do not oppose fencing. If people want to plant trees, that is fine. As Jim Hume said, fencing for livestock management is a totally accepted tool. However, we are concerned that fencing is seen as the answer to the problem, whereas it treats the symptoms and not the cause.

If an area has high deer densities and the aim is to get a bit of habitat in good condition, a little bit of fence can be stuck around that habitat. That little habitat will do very well, thank you. However, the result will be a monoculture of dense, choked habitat and a monoculture of deer on the outside. That is not a long-term solution. In 20 years' time, when the fence degrades and starts to fall down, people might say, "What are we going to do now? We'll take the fence down." The deer will then move in. Any regeneration will have occurred—that is fine—but there will be no future regeneration.

Fencing is a tool that can be used; there are policies on it and the Government uses it for forestry. That is fine. However, if the answer for Scotland is that, every time someone wants habitat improvement, deer fencing must be done, we will end up with miles and miles of deer fences everywhere, given the woodland expansion targets that we are trying to meet. That would create all sorts of landscape issues and would not treat the underlying problem.

The answer to the 12:4 dilemma is all about management and scale. We do not want to fence out deer—ecologically, we need them in our woodlands at a low level. If people want to create good habitats to hold deer, that is great.

We could almost turn the debate on its head. If someone with a game ranch in South Africa wants high deer densities to allow them to take people out to shoot, they fence in their deer to create that density. In this country, the onus has always been on those who want to keep the deer out to fence them out, so the costs are on us. It would be interesting to ask why that is the case.

The 12:4 dilemma is a nice way of looking at the issue, but it is more subtle than that. We want deer. Deer will come into and move around some areas. If the deer density over an area is lower, that can be managed in a better way.

Dr Keegan: Putting up a fence concentrates the problems, such as grazing pressure, outwith the fence and it funnels deer in other ways. Because we have little natural woodland, there is hardly anywhere for the deer to go. All our Sitka plantations are fenced off. In winter, there is an onerous burden on the small pockets of woodland that we have through deer going into them for shelter. As we have hardly any woodland, the bits that are left get trashed.

Alex Fergusson: I will not go into the benefits of getting into the leeward side of any woodland, which provides shelter, but I take your point.

You have conceded that fencing provides part of the answer. I am interested to hear that you are happy that fencing has a large part to play in livestock management. Deer are livestock—the issue comes down to that, to an extent.

Dr Keegan: No—they are not.

Alex Fergusson: It is clear that you are not happy with the operation of deer management groups. How involved are you with them? Mike Daniels mentioned the situation at Ardvar. Are you involved in the group there?

Mike Daniels: Yes. We are involved in seven deer management groups in relation to our landholdings. To a lesser or greater extent, I have been involved in all of them. In a previous job, I

was involved in a lot more deer management groups, so I have seen them working.

Alex Fergusson: Do you still attend local deer management group meetings?

Mike Daniels: Yes—I was at one yesterday.

Alex Fergusson: At Assynt?

Mike Daniels: I was at the West Lothian deer management group yesterday.

Alex Fergusson: What is your experience of working in those groups and discussing in them the issues that you have brought to our attention?

Mike Daniels: To be candid, that is pretty difficult, as I have said. The main item on the agenda is the number of stags. The discussion is always about the stag cull—how many stags will be shot this year and next year. There is not really a sense of how the habitats and designated sites are doing, how biodiversity is doing and what the sustainable population is. That is how I would characterise the meetings.

Obviously, as we have said before, there might be individuals with a different viewpoint. In some deer management groups, there might be more non-governmental organisations or the Government might be involved through SNH or the Forestry Commission as landowners, so the debate will be moved on slightly. However, my point is that the constitution of the group—how it works—is entirely up to the individuals involved in the group; it is not underpinned by anything. As we have said time and again, only 14 groups actually have deer management plans, and a group's plan is based on whatever consultant the group gets to come and write it, who will ask "How many stags do you want?" It is just a very different way of looking at resource management, which starts from the number of deer that the group wants to shoot. We argue that the groups need to start by asking what the local habitat is like and what they are trying to achieve.

I have given my characterisation of the groups, but I accept that there might be good examples and that I have just been unlucky in not having been to them. I have simply described the ones that I have been to.

Duncan Orr-Ewing: The truth about the deer management groups is that they were not constituted to deal with the wide-ranging public interest issues that we now have to deal with in terms of upland management. The groups were constituted originally to divide up the sporting stag resource—that is my characterisation. In our experience, the best deer management groups are the ones that get a bit of extra facilitation or help. For example, the Cairngorms national park has been involved in the Strathspey deer management group. The national park's involvement has been quite helpful because it has provided some additional resources to map deer densities and do some of the work that is required. I am also quite familiar with the Breadalbane deer management group in Perthshire, which has had facilitation in the form of former employees of Scottish Native Woods, who developed a deer management plan and brought together about 13 estates to manage the deer resource as well as build in the public interest.

We are not making a particular criticism of the deer management groups, because they were not really set up to do what is now being expected of them. We would like to see greater involvement of bodies such as SNH in the deer management groups to help them develop what we now require to deliver sustainable deer management.

Alex Fergusson: From the two examples that you gave, it seems that the model can work.

Duncan Orr-Ewing: It can work, but it usually requires additional help from state bodies. That is why we think that there should be greater involvement by SNH, for example, whether that is statutory involvement or through SNH facilitating the groups and ensuring that their meetings deal with the public interest as well as private interests. That would be very helpful.

Alex Fergusson: That is interesting. Thank you.

The Convener: We need more information about deer management group meetings and to consider the ADMG's principles of collaboration. One of the six principles is that groups should

"undertake to communicate openly with all relevant parties".

Did you observe that in the deer management group meeting that you attended yesterday?

Mike Daniels: Yes—although there was a debate about whether the meeting was for owners only or whether other people should be invited. The result was that one meeting a year will be open to the public; the other will not. To be honest, I am not sure that that is such a big issue. What I am trying to say is that, as Duncan Orr-Ewing said, the deer management groups were voluntarily set up to do something. Delivering wider engagement with the public and other interests or stakeholders cannot really be done under the existing system because it is not geared for that, so it is not really fair to criticise deer management groups for not doing it—that is to try to fit a round peg into a square hole. Some groups might try harder than others to be more open, but I do not know.

Dr Keegan: I think that the Scottish Wildlife Trust goes to the same group that Mike Daniels goes to. I asked the reserve manager about the group and he said that he found the meetings to

be very intimidating; as long as they are talking about private interests and stag numbers, everything is fine, but things become quite difficult when issues of public interest and the natural environment are raised. There are probably a lot of deer management groups that work quite well because everybody has the same interests, but there can be a lot of bother when there are conflicting interests.

I am sure that there are very good deer management groups in some areas, but because of the lack of transparency we do not know what is going on: we do not know their objectives, the cull targets or anything.

The Convener: I presume that taking account of the public interest would mean having discussions that the public can access, as happens with district salmon fishery boards.

Dr Keegan: That would be a start. We can speak only from experience and, unfortunately, we cannot talk about the deer management groups in which there is a lack of transparency. Obviously, we cannot go round every one, but we can bring our experiences to the table.

Mike Daniels: We are in a slightly awkward position because we are all members of the deer management system—we are members of the ADMG. Currently, we have a place on the executive committee, as the John Muir Trust or as Scottish Environment LINK, so we find ourselves in quite a difficult position. We were not consulted on the submission from the ADMG that came to the committee today, although that was possibly for time reasons. The ADMG tries to represent lots of interests and it says that it represents a wide stakeholder group including us, but in reality, and from our experience, it is a long way from achieving that. As individual groups, we accept that we are a minority interest in terms of landholding; between the NGOs in Scotland, we own only 2.6 per cent of Scotland, so we are very small. However, we argue that representation of the public interest on issues such as biodiversity and the natural heritage depends purely on the whim of the owners in an area.

The Convener: I have evidence that some members of the Scottish Parliament have been invited to lowland deer management groups with regard to near-urban deer, and have been welcomed. I welcome that. Given the Scottish Parliament's responsibilities in these matters, would you expect deer management groups in the Highlands to invite their MSP to listen and to be part of the wider openness?

Dr Keegan: I cannot see what the problem would be with that, but I am not part of a deer management group. That is perhaps a question to ask the deer management groups.

Mike Daniels: It is a question for the ADMG.

Dr Keegan: Yes, but it is a good idea, if MSPs have the time.

The Convener: Dr Keegan, you said that some people feel intimidated. We must explore that a little, since this meeting is in public. What do you mean by "intimidated"?

Dr Keegan: As I said, one of our reserve managers has been along to group meetings and does not find it easy to speak about the natural heritage because the meetings are all about stag numbers and so on. He does not find it easy to bring up any other interest. If I had had the chance to do so, I would have gone to a deer management group meeting, but unfortunately I had to come to Edinburgh, so I do not have experience of such a meeting. Normally, the manager whom I mentioned is quite an outspoken person; I suppose that he could, in that group, be seen to be in the minority, although he is talking about the public interest, which is the natural heritage. That is not necessarily what the group wants to talk about.

The Convener: Point 3 in the ADMG principles of collaboration is that stakeholders should

"accept that we have a diversity of management objectives and respect each other's objectives".

It sounds to me as though that is being honoured only in the breach.

Mike Daniels: That is possibly slightly harsh. At face value, that principle is great, but we are saying that, in practice, it is difficult to achieve. Imagine a situation in which there are landowners and stalkers and one representative of an NGO; such situations are certainly intimidating, and I find it difficult.

Under the WANE act, the public interest also involves socioeconomic interests, so the argument is that it is not just about the natural heritage but about jobs and the economy. As soon as we raise that, the argument comes back to us that the stalkers' jobs are the most important thing, and that that is the public interest. In some ways, the public interest is much broader than just the natural heritage; we accept that.

As I said, we are arguing not that there should be less employment but that through stalking's being in a richer high-quality environment there would be more employment. It is not so much a case of people being anti-conservation; it is just that some people's experience, understanding and management of deer are based on a particular system. We propose a very different system, and the two just do not overlap or meet.

Claudia Beamish: I want to tease out a few more issues. We have seen the ADMG principles

of collaboration. Is something needed on the other public interest issues, as well as the jobs for stalkers and the local community, that need to be discussed in a deer management group? Would it be useful if that was codified more clearly?

11:30

Mike Daniels: The code might go a long way towards that in some respects, but the fact is that the deer management groups' agendas do not follow every section of it.

I should also point out that although the first of the Association of Deer Management Group's principles refers to sustainability, it mentions only one of sustainability's three pillars. For environmental NGOs, the environment should be at the bottom of the pyramid and should underpin everything. Given that sustainability will not really follow if we destroy our natural capital and ruin the environment, I do not know why there is particular emphasis on only one aspect of sustainability in that first principle.

It seems that we are miles apart on this. Sustainability means different things to different people; I guess that the problem is that we are coming at the matter from very different viewpoints.

Duncan Orr-Ewing: In our experience, those who carry out deer reduction culls for the natural heritage, such as our member bodies and SNH, and those who carry out reduction culls to protect woodland—in particular, the Forestry Commission, which carries out a national cull each year—get particular flak at deer management group meetings. Interestingly, however, we also know that although lots of deer are being culled on grass moors to reduce not only deer numbers but the incidence of tick, which causes problems for grouse, the same criticism is not levelled at grouse-moor managers at the same meetings.

Claudia Beamish: Do you know of any estates that have by culling more improved the balance of biodiversity but which still take a robust approach to the possibilities of having a stalking estate? Moreover, do you have any comments on the Harris model of communities working together on stalking?

Mike Daniels: Some of the estates that are commonly mentioned are Glenfeshie or SNH's own Creag Meagaidh, where numbers have been reduced, where deer stalking still takes place with neighbours and where biodiversity has improved. There are other estates that are works in progress and where, despite a lot of resistance from neighbours, things are still happening and improvements will be made.

The Harris model is a very different thing. The John Muir Trust works as a partner with the North Harris Trust and we find the idea interesting and worth looking at. There are different stalking models; the Forestry Commission, for example, has its leases and we certainly encourage people to stalk on some of our properties where that fits in. As I am sure gamekeepers will tell you, stalking is a job that requires experience and the requisite skills. However, it could be opened up a lot more and the North Harris model is one interesting way of doing that.

Duncan Orr-Ewing: Our experience, particularly at Abernethy and the places that Mike Daniels has mentioned, is that deer reduction culls—in which the deer are reduced in numbers, not got rid of altogether—open up other rural development opportunities, so it is possible to end up with a more diverse estate operation; for example, we currently employ more people at Abernethy than were employed when it was managed largely as a sporting estate.

Richard Lyle: Given the numbers of deer that we have, can we not increase the number of jobs and the opportunities for the general public to go on a shoot instead of people in what I call the establishment spending £5,000, or whatever it is? I have to say that I do not share the Scottish Gamekeepers Association's concerns; we can improve the local economy by increasing the number of jobs and exports of venison, which, I have to say, I have never tasted in my life.

Duncan Orr-Ewing: That is how we, too, see the situation. If there is to be more deer management, more jobs and more skilled people will be needed; indeed, the system is in place to give people the skills to do the job. There are various models in other European countries in which there is greater community involvement in deer stalking, but to my knowledge we have not looked at them or considered whether they might be appropriate here.

Dr Keegan: The current system does not really lend itself to that sort of thing. After all, although no one owns the deer, the right to shoot them is dependent on the landowner.

Richard Lyle: So you are on the establishment's land.

The Convener: I will take another supplementary from Alex Fergusson before I wind up this evidence session.

Alex Fergusson: I will be brief, convener.

I would like clarification. I note that Scottish Environment LINK's written submission is in the name of the Scottish Environment LINK deer task force and that it lists at the end eight organisations that I presume are members of that task force. Are

any other organisations in Scottish Environment LINK members of it?

Duncan Orr-Ewing: Yes. The National Trust for Scotland is a member.

Alex Fergusson: Why does such a big landowner with a good record of land management not support the submission?

Duncan Orr-Ewing: As required, we circulated the paper to all of Scottish Environment LINK; bodies that wanted to sign up to it have done so. You will have to ask the National Trust for Scotland that question.

Alex Fergusson: I would like to do so. Thank you very much.

The Convener: My final point for this panel is one that I will put to other panels. While SNH's "Scotland's Wild Deer: A National Approach" was being written, the well-known conservationist Sir John Lister-Kaye wrote a pamphlet called "Ill Fares the Land". He said:

> "In my opinion a land ethic needs to require all sporting estate owners to sign up to an absolute minimum of 15% (but ideally much more) of their hill unit, dedicated to natural restoration for twenty-five years."

If that idea had been taken up in the mid-1990s, when the pamphlet was written, we would now be 20 years into the process. Would such an approach have chimed directly with the more natural balance in the environment that you consider should have primacy?

Duncan Orr-Ewing: It would. When the many eminent ecologists and people with an interest in nature conservation come to Scotland, they see stunning but impoverished landscapes that do not have, for example, the native forests that many other European countries have. That is the spirit behind what John Lister-Kaye is talking about in that pamphlet. When you go abroad, you see wonderful forested landscapes; in Scotland we have dramatic but not natural landscapes.

Dr Keegan: Had we gone down John Lister-Kaye's route, we would have had the start of the national ecological network that we want in the Scottish biodiversity strategy.

The Convener: I thank everyone for their evidence in what has been a most interesting session. We certainly need a five-minute comfort break.

11:38

Meeting suspended.

11:47

On resuming—

The Convener: I welcome the second group of witnesses for today's evidence session on deer management. From my left to right, we have Richard Cooke, who is chairman of the Association of Deer Management Groups; Alex Hogg, who is chairman of the Scottish Gamekeepers Association; and Jamie Williamson of Alvie estate, who is representing Scottish Land & Estates. Good morning.

Again, we will kick off with a question about the general approach. Do you agree with the broad approach that is set out in "Scotland's Wild Deer: A National Approach" and specifically that deer management should seek to balance the three elements of the environment, economic development and social wellbeing?

Richard Cooke (Association of Deer Management Groups): Yes, convener, we very much support that. I think that all our bodies were involved in the discussions that led up to that document, and we are very comfortable with it. We liked the fact that there is a good balance between the environment, the economy and communities, that they are all inseparable, and that they need to be taken account of in every economic or environmental management activity that we undertake.

Jamie Williamson (Scottish Land & Estates): To follow on from that, the "Code of Practice on Deer Management" is very much our bible at the moment. It records that sustainable deer management benefits the economy, the environment and people in communities now and for the future. The overwhelming majority of our members have gone along with and endorsed that.

The Convener: Very good. Does Alex Hogg want to say something at this stage?

Alex Hogg (Scottish Gamekeepers Association): No. I am fine.

Nigel Don: Good morning, gentlemen. I am very grateful that you were here for the first panel, because I will not to have to do the maths again. I wonder whether I could get your perspective, please. As I said then, I realise that numbers ain't everything in this, but we keep coming back to them. Perhaps we could try to get some consensus on what the range might be at least.

I put two propositions to the previous panel. The first was that, in order to have a stag to shoot this year, a herd of around 16 is needed. That seems to be the multiplier using the sums that I used. Equally, if I say that only a multiplier of eight is needed for the cull—I was talking about red deer only—the average cull over the past 20 years

appears to be around 60,000, according to the numbers that we have, so I multiplied the figure up to something rather nearer half a million. Those are the raw numbers. Having heard the raw arithmetic, can you enlighten me as to whether that is a correct kind of conclusion?

Richard Cooke: Yes; your population model is a good stab at it, if I may say so, but the number is perhaps a little on the high side. A long-standing rule of thumb is that, to match the intake to the outtake—that is, to ensure that recruitment replaces the number of animals removed from the herd—a cull of one in six is required across the whole herd. Actually, I suspect that a one in six proportion is on the high side now, because we have had a long series of mild winters, so we have had lower levels of natural mortality, with a few exceptions in very severe winters, and higher levels of recruitment. My guess is that a cull of one in six would allow the population gradually to creep up.

From studying the SNH records, if you aggregate the counts that SNH has taken across the whole of the open hill deer range, the numbers add up to a figure of rather under 300,000. If you apply a one in five rule to that, you come to a figure of 60,000. Therefore, the cross-referencing or triangulation between the current actual level of cull and the estimate of population confirm each other.

Nigel Don: So you would be prepared to accept that, on any calculation, the total population of red deer must lie somewhere between 300,000 and, say, 450,000. I am not arguing which end of that range the total should be.

Richard Cooke: I do not think that there is a contradiction between the figure that I have just used of an open hill population of 300,000 and an estimate—it is no more than that—of a total red deer population in Scotland, including all the red deer in woodland and in the south-west of Scotland, of about 400,000. I think that those two figures are compatible.

Nigel Don: That is very helpful.

Let me then address the other point that I drew from that. If the total sporting take is 4,000 stags a year, which is the number that we have been given, that suggests that we would not need anything like that total population. However, I take the point that Mike Daniels made that you would want some spare—in fact, you would want some spare by a multiplier—because, if you had only the right number of stags out there, you would be hunting for them mighty hard so I can see why you would not want to do that. My proposition is that there may be more total accessible deer than you really need for the sporting take.

Richard Cooke: I have to question where the figure of 4,000 sporting stags came from. As we have just said, the total cull is about 60,000, including females and juveniles. The annual stag cull is in the range 20,000 to 25,000. My guess is that about half of that at least is the sporting offtake and the rest are stags culled for management purposes or control purposes. In particular, the stags culled by the Forestry Commission would be a substantial proportion of that total. My guess is that the sporting requirement is between 10,000 and 15,000, not 4,000.

Nigel Don: Can you give me an estimate of what the multiplier might be—this will be a very woolly number, but it would still be nice to have a clue—if you wanted to be able to find, say, 15,000 stags? How many more would you need out there in order to be able to find the 15,000 within any reasonable timetable?

Richard Cooke: Mental arithmetic was never my strong point, but it may be easier to talk about males and females rather than stags and hinds, because one has to allow for the calves in the two categories as well. My feeling is that, using a multiplier of six—six times 15 is 90, so I can do that calculation—you would need a stag population of 90,000. However, one needs to build in quite a lot of spare capacity for natural mortality and the premature cull, so one would need somewhere between 100,000 and 150,000. That is a very broad-brush figure but, given the figures that we are working with, that is a fair stab at it. My guess is that the stag population is probably about 120,000, but that is straight off the top of my head and is no better than an informed guess.

Nigel Don: If I take your numbers—we are dealing with round figures, and I respect that—your suggestion is that the population is about right.

Richard Cooke: It depends on the management objective. As has been said, and I agree, the population across the Highlands as a whole is a little over eight per km^2. However, there is a huge range. For example, the population on Skye is less than one per km^2. The highest population to be recorded in recent counts by SNH was about 27 per km^2, which was on Islay and Jura. That might be far too high by normal parameters if we use the 12:4 dilemma approach, but we should bear in mind the remark that was made earlier that the best stags reflect the best habitat, and the biggest stags in Scotland are to be found on Islay and Jura, which are very fertile in terms of both agriculture and deer. What I have said is therefore not to suggest that Islay is overstocked. It is a successful deer management entity.

The figure of eight deer per km^2 is in the middle. It depends on the management objective. If someone is trying to regenerate trees without fencing, they need a low density, as has already been explored. They probably need fewer than four deer per km^2. The difficulty that nearly all deer management groups find themselves in arises if their neighbours need to maintain 12 per km^2 for a sporting cull. Someone may be improving the habitat, but then all their neighbour's deer will arrive on a cold, snowy night and do quite a lot of damage. There are difficult negotiations to be had, and a huge trade-off to be agreed.

I come across that situation in deer management groups all over Scotland. They are no longer, as has been suggested, single interest organisations. Characteristically, a deer management group will have some stalking interests, farming interests and environmental interests. That is true of NGO-owned, Government-owned and private sector estates. A group may well also have tourism interests, and it will probably have a presence of some of the Government agencies.

It is extremely difficult to get a deer population down to a level that suits everybody, given that it is entirely mobile and it flows freely to where the best food and shelter are. It can be done only by negotiation and reasonable behaviour, which is why we developed our six commonsense principles. I am delighted that the environmental organisations that spoke to you this morning, all of whom are, as they rightly said, members of deer management groups, are in the process of committing themselves to those principles as well. We have a chance to go forward successfully, provided that everybody is prepared to behave in a respectful and neighbourly manner within a deer management group context.

Jamie Williamson: Looking at the wider estate interests, which include sheep, cattle, trees and tourists as well as deer, I note that we have had a number of significant changes over the past 100 years. One of the biggest is that, in 1905, only 4.5 per cent of our land area was covered in woodland, but that has gone up to 18 per cent. That has been achieved almost entirely by deer fencing. Before that, for the previous 2,000 years, only about 4 per cent of our land area was covered in trees.

The other significant change that we have seen is that, 200 years ago, we had far more cattle, sheep, feral goats and horses on our hills. That transformed to mainly sheep, and then in the past 10 years alone, 1.4 million sheep have come off our hills. The impact is that we have gone from a situation in 1800 that could be regarded as overgrazing to a situation in which we are now getting rank vegetation and wildfire problems. Whereas sheep and cattle would graze and create biodiversity and diversity of vegetation, when so many herbivores are removed, we get a monoculture.

We are in danger of losing a lot of our biodiversity due to the reduction in herbivore numbers on the hills. The 1.4 million sheep that have come off the hills in the past 10 years have in no way been replaced by deer. The deer numbers have been relatively static, or slightly increasing.

12:00

Nigel Don: I am sure that colleagues will want to explore that.

Graeme Dey: Mike Daniels, on the previous panel, asserted that in his experience DMGs were a "stag club", and did not take into account the impact on biodiversity and the environment in determining their approach and planning. I accept that Richard Cooke has effectively challenged that point, but I invite him to provide some examples of how DMGs are taking account of the need to protect the environment and natural habitat.

Others have referred to the ADMG's principles of collaboration. Bullet point 1 mentions

"a shared commitment to a sustainable and economically viable Scottish countryside".

What does the term "sustainable" mean in that context? Is it about protecting the environment or simply about protecting the number of deer that are available to shoot?

Richard Cooke: I will take the second point first. It takes us back to the code, which rightly asserts the need for a proper balance between environmental, economic and social needs. With regard to sustainability, we want kept on the land the men who are necessary to manage the deer; the deer that are necessary to employ the men; and the communities that provide homes for those people. The circularity of those three pillars underpins our understanding of sustainability. I appreciate that, in designated sites, environmental issues take precedence, and that is quite right. However, in general, that is what we mean by sustainability, which relates to the negotiations that take place in the deer management groups to achieve a consensus between people with potentially conflicting objectives.

You asked for an example of a group that is not a "stag club", as Mike Daniels characterised deer management groups. That is a generalisation that I cannot accept—it is a caricature rather than a characterisation. I could give you a number of examples, but you probably do not have time to listen to them all.

I will refer in particular to the Mid West Association of Highland Estates, which lies

between the A82 and the A86 between Loch Laggan and Glencoe; it stretches from Dalwhinnie in the east more or less to the coast at the west end. It has just this year completed its second deer management plan, which it felt competent—having had its first plan produced by a consultant—to undertake by itself. The extent of its area is 117,000 hectares, and a 2011 aerial count produced a figure of 11,045 deer, which is a stocking density of 10.1 per km^2.

One particular challenge that the group faced was the need to do something about the Ben Nevis special area of conservation and site of special scientific interest. A baseline audit was carried out in the SAC in 2009, and a repeat study was carried out in 2013 by an independent ecologist called Colin Wells. I will pick out two remarks from the executive summary of his report, which I have seen. He said that

"herbivore impacts ... have reduced overall dramatically"

and that

"much of the vegetation encompassed by the SAC/SSSI can be regarded as being stable or improving and therefore tending towards favourable condition".

I point out that the 10 landholdings in that group include a number of private estates; a major global corporation; the Forestry Commission, in the form of Forest Enterprise Scotland; the John Muir Trust; and agricultural interests across all areas. There, we have the whole—or most—of the mix. Those interests are working together effectively and delivering environmental benefits, and maintaining employment and communities. That is my first example of a deer management group that meets public as well as private objectives.

Graeme Dey: Taking that a bit further, how do you, in your role, use it as a best practice example and encourage other DMGs to adopt that type of approach?

Richard Cooke: Our association's role is to provide leadership, advice and support to deer management groups. In the previous evidence session, there was a fair amount of reference to pre-WANE legislation and papers, and to the long history of deer management. A lot of that is true, and I would not disagree that deer management groups were originally focused on access to red deer for sport. There is a process of transformation going on, however, which the WANE act has assisted. The code has particularly assisted that process, and it is having a strong influence on the way in which deer management groups conduct their business and on how individuals within the groups deal with one other. I go to a lot of deer management groups, as do my colleagues. We try to be represented at all of them, and we try to encourage the learning process. I am convinced that the voluntary principle is capable of delivering that. We have had steady progress to date. I believe that, when you see representatives from the public agencies next week, they will confirm that that is their impression.

I am delighted to see the number of deer management plans that are developing. Sixteen, which is the figure that has been mentioned, is the number of completed plans in place. A further eight are being developed at sub-group level. Much of the action is now being taken at sub-group level, where sub-populations are managed individually. In addition, from my own analysis, I count a further 12 deer management plans in development. In terms of quality, they range from some plans where little more has been done than to make a commitment to write a deer management plan, and the plans have only just got going, to the Cairngorms/Speyside plan, which is now in its third iteration, in a rather innovative map-based form. That plan is now about to be adopted by the group, and it will then be available on its website for people to see.

Graeme Dey: Given your presumably considerable experience of attending DMG meetings, do you recognise the description of someone who wants to speak up for environmental habitat interests feeling intimidated in such settings?

Richard Cooke: I have heard that word used before. We have regular and friendly dealings with the NGOs that are members of our groups, and it is absolutely essential that they stay part of the mix. I think that they are oversensitive. I have offered my services so as to be present when the meetings take place. I will not tell you that there are not a few dinosaurs around—of course there are. Some people need to be persuaded that the world is changing and that they need to change with it. However, if there is a little discomfort in the early meetings, the only thing to do is to persist. That is certainly not what is beginning to happen in some cases, which is for the NGOs concerned to cease to attend meetings. That is self-defeating.

The Convener: You have spoken about the deer management group for the west central Highlands. Are there any sub-groups within that group for the area near Corrour, for example?

Richard Cooke: I think that that group is now operating as a single group. In the past, it operated as two sub-groups. Corrour is one of the private ownerships in it. To name a few others, there are also the considerable properties owned by Rio Tinto Alcan, which have mixed sporting and environmental improvement objectives, as has Corrour. There is quite a complex cocktail going on there.

The Convener: I had an email from Lisbet Rausing earlier this month regarding the 50,000-acre estate there, which she claims to be working on ecologically. She writes:

"it is not easy—we have neighbours with 55 deer per square kilometre (in SSSIs!)".

I cannot verify her figures, but if there is a deer management group in that area, perhaps there is someone who is not playing ball.

Richard Cooke: I cannot comment. I have not seen that before—I have not had those figures put to me. The overall density is about 10 deer per km^2. Deer are mobile, and they go where the best feeding and shelter is. If there is that density of deer next door, on a temporary basis or permanently, it is not entirely surprising, as that is what deer do. That is the reason why people must work together to resolve the issues and to share the resource.

Jamie Williamson: May I interject to respond to the comment that has just been made? There are two Rausings. Lisbet Rausing has Corrour, and I have just clarified that it is Lisbet Rausing, not Sigrid Rausing, who has Coignafearn.

A number of claims have been made, and the one that I have dealt with concerns Glenfeshie, where it was claimed that there were 44 deer per km^2 and that the figure had been reduced to four deer per km^2. However, the deer counts show that the highest count that the estate ever had revealed 13 deer per km^2. We questioned that and discovered that the figure of 44 deer per km^2 was counted when they had fed the deer into a field and counted them there. The figure of four per km^2 was a guess.

Calculating 44 deer per km^2 in that way would be the same as me putting my sheep in my sheep fank, counting them and then extrapolating that figure over the whole of my area and assuming that I was a millionaire in sheep, whereas in fact I am not. One has to be careful about where the statistics come from. It sounds as if the figure of 55 deer per km^2 that has been mentioned has come about through the same practice as was used in Glenfeshie to produce a figure of 44 deer per km^2.

The Convener: I just thought that I would ask, since we were talking about figures. I have no doubt that we shall return to that issue.

Moving on, Cara Hilton has a question on deer impacts on the wider public policy objectives and on natural heritage.

Cara Hilton: I would like to ask all the panel members to provide evidence and examples to illustrate the impact of current deer management practices on the Scottish Government's economic, social and environmental policy and on targets relating to climate change and biodiversity. What sort of impact do you think the targets are having?

Jamie Williamson: Can you say that again? Are you looking at the impact of deer management on the environment?

Cara Hilton: On the Scottish Government's economic, environmental and social policy and targets.

Jamie Williamson: Obviously, wild deer management has an impact because, according to the Public and Corporate Economic Consultants report of 2005, it produces £105 million a year, of which £70 million is retained in Scotland. In terms of social impact, PACEC estimated that the equivalent of 2,520 full-time jobs were created, most of them in remote, fragile areas. It was not as if they were in the centre of Glasgow; they were in some very remote areas and therefore were very important to some of our remote rural economies.

As I have explained, we have had a serious reduction in sheep numbers. Between 1987 and 2007, something like 2.3 million disappeared from Scotland, and 1.4 million have disappeared from the Highlands in the past 10 years. That has quite a significant impact on jobs and has, unfortunately, made deer stalkers relatively more important in the economy. As a lot of farming has disappeared, we are having to look more and more to deer to provide jobs.

The Convener: Does anyone else wish to comment?

Richard Cooke: Jamie Williamson has dealt well with the economic and social aspects. So far as the environment is concerned, I am not going to say that I think that the habitats across Scotland are in perfect condition; it would be complacent in the extreme to take that view.

There is a lot of work to be done. That will involve motivating people and focusing on the issues, which is why deer management groups are now thinking hard about doing their own habitat assessments. To my knowledge, three deer management groups are now doing those assessments themselves, having undergone the training. We are talking to the Scottish Government about extending that scheme so that more training can be available and so that practitioners on the ground can do what Mike Daniels referred to: looking at the capital base as well as the deer as a sign of environmental health.

Habitat management is going in the right direction, but there is quite a long way to go in some areas. In other areas, as has been mentioned, habitat has been regenerated to the point that it is a serious fire risk. Furthermore, where a ground layer of vegetation is too thick, it is very difficult to get natural regeneration of trees

from a seed source because the seeds do not reach the ground.

There is a need for a good mix of grazing in the interests of the environment. The important but difficult thing is to get the balance right with a population of deer and, to some extent, sheep that move freely and are difficult to put exactly where you want them.

12:15

Jamie Williamson: I issue a note of caution on habitat assessments. An expert told us that one area was dreadfully overgrazed but the next told us that it was dreadfully undergrazed—that happened with the same habitat. We must look at the long-term objective when making a habitat assessment; it is quite difficult to damage a habit permanently by over or undergrazing.

Within that range, if someone is mainly interested in providing meat, such as lamb or venison, they may well need a far heavier grazing regime than they would if they were interested in providing trees. A habitat assessment needs to look at the objective of the owner or land occupier and, in achieving that objective, whether other peoples' objectives are being achieved.

The Convener: Could we not say that there is the potential for having more gamekeepers, given that we are talking about a need for more culls? However the sums are worked out—as the mathematicians in our midst have been positing—is this not a great chance for us to ensure that gamekeepers have a bigger part to play?

Furthermore, the British Association for Shooting and Conservation has found that sportsmen and women who have previously not shot deer are willing to pay considerable amounts of money to go deer stalking. Do we think that landowners are missing out on economic value?

Alex Hogg: It would be great if we had more gamekeepers. They carry out a diverse range of jobs on the hills; they do not just shoot deer but cover all aspects of predator and habitat management.

I have been a gamekeeper for 40 years. One of my first jobs was to work as a wildlife ranger with the Forestry Commission. In those days, the Forestry Commission had 80 or more wildlife rangers and it was so proud of what it had. We tended a piece of ground every day. However, after the contractors came in to cut wood, the employment in a lot of the lochs and glens diminished hugely. Contractors were also employed who tended to come in and shoot deer at night with a spotlight, with no care for the greater biodiversity. My worry is that deer culls would be farmed out to contractors and not given to a person who lived and worked in a glen.

The Convener: I have quite a lot of sympathy with that point.

Jamie Williamson: A large proportion of sporting estates, including ourselves, rent out their stalking. We bring in clients, whether for stalking or hind stalking, who stay in the house or local hotels. They pay up to £400 to shoot the stag, and we hope to get another £150 from them staying in either our accommodation or hotels. We keep the meat, which we then sell on for around another £150.

That is good business. It is elite only in that it is more expensive than skiing or mountain biking, but a wide range of people participate. We tend to get a lot of Swedes and Germans. A lot of people want to do the stalking and we price that according to the market.

If I have people queuing at the door to go and shoot stags at £400 per stag, I will not reduce the price to £200. However, if I cannot fulfil my stalking requirements—we stalk six days a week from mid-September to 20 October—because of the economy or because of the pound going so high that I cannot get stalking clients, I will reduce the price. At the moment, I am fully booked for next year as well as this year.

Richard Cooke: I will deal first with the possible increase in the number of jobs. We have a stable population of red deer that is probably at about the right level, so there may not be many more jobs available. The itinerant element that Alex Hogg has referred to is characteristic of the way that employment is going. The contract approach is not ideal because it means that people come into an area to do a job and go away again, which does not have the same beneficial impact as having resident stalkers.

On accessibility and the market, the suggestion that deer stalking is exclusive is erroneous. As Jamie Williamson said, hind stalking is available from around £200 a day, which is not excessive compared to other recreational activities. More particularly, I refer to the lowland context in my role as chairman of the lowland deer network. A large proportion of the roe deer cull is undertaken by individuals who operate on a recreational basis because of their interest, and there have been some good models. The Harris model was referred to earlier as a way in which local communities can become involved, and it works well in that context. A similar experiment has been tried by the British Association for Shooting and Conservation on Arran, and it has worked quite well for a considerable number of years.

There are lots of opportunities. However, the use of high-powered rifles is a skilled business

and people tend to forget that, in order to have one, they need a firearms certificate and that, in order to use it on someone else's land, they will almost certainly be required to have not only a deer stalking certificate level 1 but a DSC level 2. The entry level rightly requires a certain level of skill, but those opportunities exist very broadly.

The Convener: In his written evidence, Douglas MacMillan suggests:

"Taking an average of £200 per day, it was estimated that demand might exceed 190,000 additional stalking days should landowners make such opportunities available."

I presume that that would require more gamekeepers, as those people would not be allowed to go out independently shooting on the hills. We can see a development for income on shooting estates, which could benefit local employment and more shooters.

Richard Cooke: At that rate of uptake, there would not be many deer left.

Jamie Williamson: You must realise that deer numbers have been coming down. From the estate's point of view, the more deer that we have to shoot and the more clients that we can get, the more income we have. However, we used to shoot 35 stags a year and we are now down to 25 stags because the mature deer are not there.

There is also an issue with venison. Scotland used to be a net exporter of venison, but for the past few years it has been a net importer of venison because the demand for venison has exceeded the supply. The supply has been going down because we just do not have the deer to shoot.

We are looking at deer farming and wondering whether we can ranch deer. My estate was fenced in 1908 and the deer were ranched, which produced some of the best heads in Scotland. That worked, but when it was tried more recently at Glensaugh, on the Fasque House estate, it was not economically viable. Nevertheless, the situation is changing and we now think that, if we continue to remove all our wild deer, there may be an opportunity for ranching deer.

The Convener: Indeed. Graeme Dey has a short question about the price of venison.

Graeme Dey: At the risk of going off at a tangent, I am intrigued by the price of venison. The figures that are quoted as what you get for a carcase seem extremely low compared with what the consumer pays to purchase venison. It strikes me that someone is making a killing, and it is not the estates or the gamekeepers who benefit.

Richard Cooke: The price at the moment is between £2.25 and £2.50 a kilo. The stable price is due to the fact that we now have an established market in the United Kingdom, as Jamie Williamson said. The price is considerably better than we have had for some time. Mr Dey is right that, as is the case with beef or sheep, what the shopper pays for a prime cut is a multiple of probably three times the original price.

A particular feature of the venison industry is that it is very fragmented because it is in all the most remote parts of Scotland. We are not terribly good at organising ourselves into co-operative sales or producers groups, although that is being promoted and it might follow in due course. The collection costs are therefore a very substantial element. If you look at the whole venison chain, you will find that nobody is getting rich very quickly, so we would certainly like more money.

The Scottish venison partnership is working very hard on increasing production by the reintroduction of deer farming, and there is undoubtedly a strong initiative to make that happen, particularly as the single farm payment will be available to farms that convert from another form of agriculture to deer husbandry. There is real hope that that will help to close the gap. There will undoubtedly be jobs in deer farming outwith the wildlife management function, so that is a very encouraging trend for the future.

Nigel Don: To an extent, the questions that I wanted to ask have been covered, so I will go back to the general issue. Alex Hogg said that he has 40 years' experience. We have spent the past two and a bit hours talking, in effect, about what has happened in our hills over the past generation. Alex, given that you heard all that was said in the earlier evidence session, what is your perspective on what has or has not changed regarding the numbers or the environment in which you have worked over the past generation?

Alex Hogg: We have a view of what has gone terribly wrong. For example, if you have a garden that is all grass and the kids want to plant some vegetables in it but they also have a couple of pet rabbits, there is no way on earth that you would have a vegetable plot without protecting it from the rabbits by a fence.

We gave evidence in Parliament 10 or so years ago on the decline of the capercaillie. The sum of £7 million was given to take deer fences down to save the capercaillie, but its numbers are still declining at a horrible rate of knots. We told them all at the time that the decline was due to predation by pine martens, which were flushing the capercaillies against the fences. In the 1960s, there were thousands and thousands of miles of deer fencing and there were 20,000-plus capercaillie.

We have to go back to having fences. We have even looked at having low fences that are electric

and only the height of a table, because the deer will not cross them. It would be only a temporary fence to let us establish whatever it is that we want within the fence, and then it would come down again—but we have to use fences. We can now make them in such a way that we can have circles of woodland where the deer can still get down off the high tops in a storm and take shelter—they can go round about the circles and go back out again—whereas the old-fashioned way of working was to take a fence right along the top of the loch, up high, and no deer could get down off the tops. It all comes back to fencing.

The Convener: We are trying to make progress, but Richard Cooke wants to come in first.

Richard Cooke: I want to respond to Nigel Don's question about the context of our generation. Speaking generally, we were all born not too long after the second world war. Certainly, in the first 15 to 20 years of my professional career as a land agent, we were still digging for victory. The job to do, which had all the Government support, was in favour of producing as much food as possible from the land. I confess to liming heather moorland, draining wetlands, ripping out hedges, putting in pipes and cutting down trees in the interests of food production.

That fashion has changed, and the credit must go to the environmental movement, which has given us a much broader understanding and appreciation of the natural resources that we are here to utilise. I welcome that change.

There is an element of fashion involved, however. Farmers and land managers are often castigated for the state of the land as we know it now, because there is a perception that it is in a poorer condition than it should be, but they did what they were paid to do at the time, so such criticism is completely unreasonable and unfair.

12:30

When it comes to the upland and the deer range, change takes a long time to manifest itself. The reductions in grazing pressure that the committee has heard about this morning might already be part of the solution that the NGOs are looking for, in that they will result in the enrichment and improvement of the semi-natural environment that we are considering and in increased diversity.

The Convener: Graeme Dey has a short supplementary.

Graeme Dey: To follow up on Alex Hogg's point about electric fences, I have seen those in operation in the National Trust for Scotland Ben Lawers reserve, where they work extremely effectively.

Who pays for the fencing? Is it paid for from the public purse or does the landowner pay for it? Do we fence the deer in or do we fence them out?

Jamie Williamson: Usually, if someone is doing forestry, they pay for the fence, in the same way as I fence off my crops from my livestock. When I do forestry, I pay for the fence. Whereas the Forestry Commission might keep fences for 20 years, because I do deer stalking and forestry on a permanent basis, I try to make my fences last for 100 years, if I can. It is usually the landowner who pays for the fence.

Graeme Dey: I should perhaps clarify that I was asking who should pay for the fence, rather than who does pay for it.

Richard Cooke: The developer. If the purpose of the fencing is to engineer change of some sort, such as transformation of open hill to forested land—we know that it is the Scottish Government's policy to expand timber production and the area of land that is under forestry, both commercial and native—it is right that the person who will get the benefit of the timber production should pay for it. It would be wrong not to say that Government support is provided—grants are paid—for afforestation, but it is a balance between public and private interest.

The present system, which provides incentives to do things that are consistent with Government policy, but which leaves the bulk of the cost with the developer, is probably right.

Richard Lyle: I cannot get my head round the figures that have been provided. In 1963, there were 150,000 deer on the hills; now, there are 400,000. You say that not 4,000 but 15,000 stags are being shot.

Richard Cooke: The figure is probably between 20,000 and 25,000.

Richard Lyle: I would love to know where you get those figures from; they range wildly.

In relation to what Mr Williamson said, I think that it is a great idea to get people to visit for £200 or whatever. Landowners should do what hotels do—rearrange their prices to encourage people to come. It is true that they have to be licensed to shoot; I am sure that there are many people who are.

In Scotland, we are improving our food production, but the only place that I have seen venison is Harrod's in London. I have not seen it in my local supermarket. [*Interruption*.]

The Convener: Okay. Let us continue.

Jamie Williamson: I have catered accommodation and caravan parks. I have nearly 1,000 visitor beds on top of the 800 sheep that I manage. I supply the shops in the caravan park

with venison. From our point of view, the best meat for me to supply people in my catered accommodation with is venison, because it involves the smallest number of food miles and I process it myself.

In addition, we probably sell about 60 or 70 per cent of our venison into the food chain. That will go to local butchers' shops, just as my lamb and my beef do. Venison is available. It might not be available in Mr Lyle's Tesco or whatever. Our attitude is to sell a certain amount to the game dealers, who will deal with some of the supermarkets, but we also supply the local butchers.

Richard Lyle: The fact is that we have got this number of deer. As we asked Alex Hogg, is there an opportunity to employ more people and develop the business better?

Jamie Williamson: What has happened is that the number of deer that we are culling is reducing because there is not the wild deer on the hill. We have now reached a point at which the demand for venison exceeds the supply. We can up the price of venison, just as we can up the price of deer stalking if the demand exceeds the supply, but there is a limit to how far we can go. We have one stalker, who can take out one client a day. We shoot six days a week. If we had enough deer, we could have two stalkers.

What also happens—certainly early on, in September—is that our stalker does not average a stag a day. If he consistently gets something like four stags in five days, the client will often say, "I'm booking for a week but I'm only going to pay the equivalent of four deer." Our best and most cost-effective income is when the stalker gets an average of one stag a day.

About 40 or 50 years ago, there were enough deer to support two stalkers and a gillie. Today, we have only enough wild deer to support one deer stalker.

The Convener: That is the kind of information that we are looking for to test the public authorities. Indeed, we are trying to form an overview of the issue because there are conflicting views about how many deer there are and what could be shot.

Jim Hume has a question on the impacts on the natural environment.

Jim Hume: Richard Lyle mentioned designated sites. In your view, do designated sites have any positive or negative impacts on deer? Is the situation changing? You have talked about habitat assessments. Are you are measuring the impacts on deer?

Richard Cooke: In our submission, we quoted a figure from SNH, which

"reports that 84.2% of features on designated sites ... are in favourable or recovering condition".

There is a great deal of information that seems to conflict. Another figure that we quote in our submission is that

"248 out of 957 Sites of Special Scientific Interest are in unfavourable condition".

The fact is that there are designated sites where there is further work to do, which is why we have 10 section 7s and why there will probably be more, as well as possibly some section 8s. The environmental improvement in those sites is the driver behind section 7.

It is not all bad news, but we still have a long way to go. As I said earlier, deer management groups are taking that on board and adapting their management plans to allow the environmental requirements of the designated sites in their areas to be a significant part of their future planning. I am convinced that we can continue to proceed along an improving trend.

Alex Hogg: I phoned a stalker last night who stays at the top of a glen that is 10 miles long. Every two or three miles along that glen, there is a house where a stalker and their family lives. It shows the benefits to that community. We were talking about designated sites—he has one on his ground. For years, SNH and others were saying, "Look at the erosion with those bloomin' deer, especially up on the peat hags." They fenced off the area, put 4 inch boards in and excluded the deer altogether for a year. The boards are filling up with peat, so it is now absolutely certain that the issue is weather erosion. Before, it was, "It must be the deer." All these wee things need to be tried to get answers.

Jamie Williamson: I will build on that point. In my deer management group, we have two special areas of conservation: Creag Meagaidh and Monadhliath. In Creag Meagaidh, the condition of the blanket bog has been categorised as "Unfavourable No change", even though all the sheep have been removed and most of the deer have been removed since 1987.

On the Monadhliath special area of conservation, we have challenged SNH on its standard method of assessment, which says that the condition is "Unfavourable No change" and that that is probably due to deer. Anecdotally, all the crofters and shepherds have said that, actually, there is far more vegetation on the exposed peat now than there was before. After we went together to SNH, funding was provided for an environs study, which concluded, from studying the aerial photographs of the area from 1946 and from 2005, that there is 46 per cent less exposed peat now than there was in 1946. That indicates that the condition of the area is improving.

A scientific study that was undertaken by MLURI compared areas from which the deer and sheep were not excluded with areas from which deer and sheep were excluded with fencing. The study was conducted in three areas: Caithness, the Monadhliath special area of conservation and the Ladder hills. The conclusion was that, over a period of 10 years, there was no significant difference in erosion between the areas from which deer and sheep were excluded and the areas from which deer and sheep were not excluded but there was a slight increase in exposed peat. Therefore, MLURI's conclusion was that the change was to do not with herbivores but with climate change. In SNH document 421 "Peat erosion and the management of peatland habitats", the conclusion states:

"there was no clear evidence to indicate that densities of large herbivores were associated with the incidence, severity or type of erosion".

We have challenged SNH by querying its standard method of assessing blanket peat bogs, which we think is flawed because it contradicts the anecdotal evidence, the historical evidence and the scientific evidence. Therefore, we have asked SNH to go back and relook at the way in which it assesses whether things are in poor condition.

Jim Hume: Thank you. I think that that covers both points.

The Convener: On that point, having seen the ground at Forsinard, I know that areas near to fences that the deer regularly use as a route across are far more difficult to rewet than those where there has not been a heavy tread. That is one reason why, in some areas, trees and fences have been removed to allow for a variety of routes for the deer to travel. Actually, there is clear evidence there that some parts of the peat bog are in much poorer condition because of deer. We could argue about that a lot of the way, but that is the set of facts that I have.

We will move on to deer management groups, on which Alex Fergusson has a question.

Alex Fergusson: Gentlemen, you will have heard the evidence that we were given in the previous session about the perceived failings of the effectiveness of deer management groups, on which I have one or two questions. As an institution, the Scottish Parliament works on the principles of openness, transparency, accessibility and accountability, which are principles that I strongly believe in. Some of the evidence that was put to us suggested that deer management groups have a bit to do before they become open and transparent, particularly in terms of their membership, how often they meet, how they can be contacted and all that sort of thing. Can I get your reaction to that? Do you think that improvement could be made in that direction, so that people can have confidence that the deer management groups are open, accessible and accountable?

Richard Cooke: Of course, in assessing how open and accountable deer management groups are, there is a range that goes from good to bad. There is certainly more work to be done in that respect, and that is the culture change that the code is in the process of bringing about.

Deer management groups certainly need to be more inclusive. By the principles that it has offered, the ADMG has set out its intent to lead deer management groups to a more inclusive approach. Earlier this year, I wrote an article for *Scope*, which is one of our newsletters, that encouraged deer management groups to include in their discussions all land management interests, whether or not they are within the boundaries within which the deer can be found, so that the impacts on other economic interests such as farming and forestry are taken into account.

12:45

I also recommend to deer management groups that they should maintain their business meetings for discussing business; nuts-and-bolts management discussions about the number of deer that they manage, how they manage them, how they should be culled and how they are meeting the objectives that they have set need to be held between the people who are directly involved. However, every deer management group should, in the foreseeable future, have an external communications policy that offers representation at local community councils, for example, to discuss its management plan. The management plans should be available for those with an external interest to see, and the deer management group should be prepared to stand up and justify and explain the content of those plans.

One of our most difficult problems in the land management industry as a whole is that we are not well understood by the wider public. We must take responsibility for that. Communicating effectively what we are about and that we are on their side, so to speak, is really important. I completely buy the premise on which you asked your question. We need to be more open and accountable.

The Convener: What response have you had from deer management groups to the article in *Scope* that you mentioned?

Richard Cooke: It has been mentioned on a number of occasions when I have been at meetings. It has been acknowledged, and it will be built into deer management plan development and revisions. It will therefore take a little while to get to exactly where we want to be. However, give us

a year or two, and you will, I hope, see a significant change from the present situation.

Alex Fergusson: I would like to continue that point. I am grateful for your explanation, but a layman who is looking in on the situation might find it rather odd that some deer management groups have no plan at all, although I think that they would find it understandable that the rest of them are at various stages.

You mentioned that a process of transformation is going on in the world of deer management. Indeed, your submission to the committee says something very similar; it talks about

"the substantial process of change that is occurring in the deer sector".

Can you envisage a time when all deer management groups will have a plan in place that people can access and at least take part in discussions on, if not influence? If so, is it possible to put a timeframe on when that might be achieved? I appreciate that doing so is difficult.

Richard Cooke: Yes, in response to the first question and don't know in response to the second. The larger, mainstream deer management groups are moving very quickly in that direction. The document that I held up earlier is available. I also referred earlier to the Cairngorms/Speyside plan, which is more map based and has less text. It will become available on the group's website, if it is not already available on it. The ADMG has offered a service to its members that means that, if they cannot afford to develop and manage their own website, they can use a page on our website to provide a link that will enable them to provide information about their deer management group, including their deer management plan. We are therefore moving forward, but there is work to do.

Alex Fergusson: Can you point to any other ways in which the process of transformation is taking place? Will you expand on that a little bit?

Richard Cooke: I have referred to the habitat service, which is really important. Going back to the natural capital, it is important, as was said in the previous session, to know what the base resources are that we depend on for economic as well as other outputs. It is very welcome that people in Alex Hogg's profession are learning the basic skills of measuring the beneficial and negative impacts of their management on the habitat so that they can modify their management accordingly.

Jamie Williamson: One has to appreciate that there are areas where the sporting estates or the land ownership provide some 80 per cent of the employment. If, within a discrete deer population area, there are only four or five estates and their owners, keepers and farm staff are engaged and, no doubt, represented on the community council as well, they often do not need a deer management plan per se, because they are all engaged in the process.

Our deer management group has 40-odd members. We go to the community councils, but most of them are not really interested. When they are asked to comment on deer issues, they often pass the request to one of our members and ask them to produce a response. Crofters come in and we will certainly deal with them, but for the most part there is no point in pestering someone and saying, "Please come," if they are not that interested.

Alex Fergusson: Equally, I think that you would accept that, if an interested party did ask to come, they should be able to do so.

Jamie Williamson: No problem. Yes. We are all-inclusive. The fact that they do not all come is a problem.

Alex Fergusson: Understood.

Claudia Beamish: Before I ask a broader question about voluntary and statutory management plans, I have a question for Richard Cooke. We were given the figure that only 16 or 18 of the 42 deer management groups have active management plans. How many of them have come to the fore recently? Has the fact that there is to be a review next year focused minds or would they have come to the fore anyway?

Richard Cooke: I do not know that there is going to be a review of deer management planning as such. Deer management planning has been around for quite a long time. Initially it was crude, but it is becoming increasingly sophisticated as it goes along. I refer to the map-based approach of three of the groups, and the habitat aspects, too.

The catalyst for the significant increase in uptake has been the Wildlife and Natural Environment (Scotland) Act 2011 and the code. As I said earlier, in my view, there are 24 plans and not 16. Many deer management groups are functioning at a smaller level, which is right, as they should focus on local issues, and many sub-groups now have their own deer management plans, which feed up the pyramid, so to speak, into a bigger plan. There are also 12 in development, as I said, so by my calculation the number of deer management groups that are actively involved in deer management planning is 36 and not 16.

That is not to say that all the groups have a completed plan, which is what the figure of 16 was all about, but they are all actively involved in the process. That is the important thing. In management planning, the process is often as

important as the output because it can have a catalytic effect on the ways in which the deer management group operates and the neighbours relate to each other. The next stage is that the plans should be updated, monitored and adapted to circumstances.

Claudia Beamish: Thank you. More broadly, I ask the panel to respond to the comments in written evidence to the committee that

"the current system of voluntary deer management structures in place in Scotland is not fit for purpose"

and that DMGs should be brought under statute. You have already provided examples of where the system works well, but will you comment on whether the groups should be brought under statute?

Richard Cooke: I represent not only the Association of Deer Management Groups but the lowland deer network Scotland. In my paper on that, I drew out the major difference between highland and lowland deer management. A one-size-fits-all approach does not work when it comes to deer. It does not work between lowlands and highlands, but it does not work even at the more local level. Going around deer management groups, one is constantly struck by how different they are. The issues that they talk about may be common up to a point, but the ways in which they operate and their characteristics are different. They reflect the circumstances in which they have evolved. As a result, a statutory framework would not aid the process of resolving conflicts between neighbours who have to find a common way forward; indeed, it would not improve matters at all. It would simply make things grossly more bureaucratic and costly. You will expect me to say this—indeed, I have said it in writing—but I am convinced that the deer management groups' voluntary basis is fit for purpose and will continue to improve and deliver more public as well as private benefits.

Claudia Beamish: Does anyone else wish to comment on that?

Jamie Williamson: Only to endorse those comments. Our concern is that if you put more and more regulation on an industry, investors eventually walk away. That is the case even with field sports. At the moment, the field sports industry benefits from people investing well beyond the financial return that they make from it. Of course, people also enjoy it. They keep cull numbers down. When we compared ourselves and Creag Meagaidh in terms of how the public sector would deal with the problem of deer, we worked out that it would take six times as many man-hours to cull every deer in Creag Meagaidh as it would for us. That can be dealt with only by the public purse. We think it far better to have what is in effect a private and public sector partnership in which the private and public sectors make an investment, and the voluntary code makes the whole thing very much cheaper for the public sector and the taxpayer than if we simply handed it all over to the public sector.

The Convener: I will take a couple of supplementaries from members, but then we will have to move on rapidly.

Alex Hogg: Convener, I would just like to say that gamekeepers and stalkers have been involved in the best-practice project and that there are now 80 or perhaps 82 best-practice shoots. The project, which is the envy of the rest of Europe—in fact, other European countries have asked to introduce it—has all been done in our free time over the past five years. A lot of work has been done on it, enthusiasm for it is high and I simply do not think that it would be the same if it was put on a statutory footing.

Claudia Beamish: In its written submission, the Scottish Gamekeepers Association says:

"Socio-economic needs of communities are, in our view, best served by a voluntary deer management system rather than a statutory one. Without proper input into a statutory system, local communities are more likely to feel that their ability to have a balancing say over their futures has been removed."

Can you clarify how you think local communities would not be involved? My understanding is that the move to a statutory system is not about centralisation but about enabling all stakeholders to come together on a more formal footing.

Alex Hogg: That already happens at the moment, but I have to say that people have had enough of red tape and that, if this became law, they would just throw in the towel and pack it all in. Everyone has to be involved in these things and, when they become law, the situation becomes more difficult. People get uptight about having to do something and would rather not do it. At the moment, we have managed to get everyone involved.

Jim Hume: Alex Hogg has partly answered this question but, in view of the previous panel's suggestion that the deer management code was not really doing anything because it was not statutory, what are the witnesses' views on progress with the code?

Richard Cooke: As I have said, all strands of the industry, including the NGOs with an interest, were involved in developing the code. SNH took input from all people with a relevant interest, and we were very happy with how it turned out. Indeed, I find it enormously useful in focusing minds when I am talking to deer management groups about how they should regard their future responsibilities on deer management. It is certainly

very early days to conclude that it is not fit for purpose. On the contrary, it has been hugely important, and I am sure that we can raise our game in order to meet its objectives.

13:00

Jamie Williamson: The previous panel commented that, in effect, the code is only for SNH and so on. It has been very much endorsed by the private sector and by the deer management groups and deer managers. It has been useful for us when we have gone to SNH and reminded it about the factors that we must balance and the way in which we must go forward. It has allowed deer management groups and deer managers to talk on a level basis and say, "Right—these are our objectives, this is what we have to achieve and this is the way we should achieve it. Now let's go forward and do it." The private sector has bought into the code almost more than the public sector has.

The Convener: That is very interesting.

Angus MacDonald: I want to pick up on Mr Cooke's point that the current deer management plans are fit for purpose. If you are still waiting for deer management plans to come forward from some areas, how can you say that the current system is fit for purpose?

In addition, you said in response to Alex Fergusson's question that you could not provide a timescale for the completion of all DMPs. If you do not know the timescale for the introduction of deer management plans, is there an argument for a statutory duty on landlords to come up with a DMP, with SNH producing statutory deer management plans?

Richard Cooke: As I said, it is early days, but a culture change is taking place. We are making good progress and I believe that we can, in the medium term, deliver deer management planning in every deer management group. I cannot say that we have fixed it already, but I can say that we are working on it and making progress.

Graeme Dey: First, I would like a definition of the medium term. Secondly, Alex Hogg spoke about everyone being involved under the voluntary set-up, but we heard evidence from the previous panel of witnesses that, from their perspective, not everyone is involved, and there is a feeling that they are not welcome in deer management groups. That is the view that they have—rightly or wrongly—expressed. What will you take away from the evidence that you have heard today that will drive your thinking going forward to ensure that everyone ends up being involved in deer management groups?

Richard Cooke: It is essential that the NGOs get involved, as they are landowners and their management objectives are as legitimate as anybody else's. They need to be part of the mix, and they must attend meetings. If they need support to attend meetings, they can have it. Unless we include everybody, we will come up with only half the answer.

Graeme Dey: And do you have a definition of the medium term to which you referred?

Richard Cooke: I would like to think that we will be well on the road by the end of five years and will have arrived from A to Z at the end of 10 years; that we will have active and forward-looking deer management plans that are kept under regular review; that we will have developed our skills to assess the quality of the habitat on which the deer and other resources are living; and that we will have learned to get on with each other better than we sometimes do at present.

Graeme Dey: That is useful—thank you.

Nigel Don: My question naturally extends from that point. Mr Cooke, you said that, although someone can have a management objective within a certain area, they will, if their deer are just going to wander across into someone else's area and come back when they feel like it, always have to consider what is outside. Am I right in thinking therefore that one of the biggest problems is how you manage outside your boundaries and manage the conflicts of interest between different deer management areas?

Richard Cooke: An individual deer manager must think about his deer at two levels. He must think about what the deer mean to him as a resource and about what they mean in the context of the whole herd to which he has only partial access. He must come to a reasonable accommodation with his neighbours as to what he can achieve without detriment to neighbouring interests, and that is where we sometimes run on to the rocks. An example of that has been given today—I will not mention the A word—but we will get through that. There is a process to deal with it that requires the Government agency to get involved, and it has the power to do so under sections 7 and 8 of the 1996 act. That power has yet to be tested, but I have no objection to its being tested, because it is high time that we found out just how regulation and the voluntary principle can operate together. Once we have learned the lessons from that, that will inform other situations in which such problems arise in the future.

Nigel Don: I wonder whether I can push you slightly. Because I am in the same profession, I recognise a diplomatic and guarded answer when I hear one. You have told us that 36 out of the 46 deer management groups already have deer

management plans and—if I heard you aright—that it will take five or six years to get the other 10 groups on board. Do you recognise that, from my side of the table, that sounds like an awfully long time?

Richard Cooke: I recognise that and I am trying to take a pragmatic view of what is possible. It is a matter not just of bringing in the people who are not in the system but of continuing to improve the plans that already exist. In the past, we have been accused of having deer management plans that are written by a consultant, read by a few people and put on a shelf to gather dust. They need to be of far more value than that, and there are examples—some of which I have given—of where that is already the way in which deer management plans are being used. We need to refine them as well as introduce them, and I am giving myself a reasonable period of time in which to bring the number of plans up to the 100 per cent level that you are looking for.

Nigel Don: I am asking you, given your position, to recognise that, if there are 10 areas out there that you feel are not going to play ball very quickly, that might explain why some of the earlier witnesses want some kind of statutory system. Not doing something within five years sounds like not doing it, and that sounds like not voluntary action but voluntary inaction.

Richard Cooke: I assure you that there is no foot dragging going on. There is absolute determination to deliver the plans as fast as is practically possible. Nevertheless, I must take a practical view as to what is possible.

I will list some of the deer management groups that do not have plans at the moment. The Harris and Lewis deer management group has an interesting innovation in that one of its members is a community body. However, its deer management planning skill is pretty rudimentary and it has a long way to go. The Glenartney deer management group is a little one that runs extremely well and is the only group that I can think of whose members all have a predominantly sporting interest. There is no circle to square in that case—all the group's members are pointing in the same direction and do not have the conflicts to resolve or the management objectives to balance that almost all other groups have. The Islay group also works pretty well although it does not have a deer management plan. As I have said, it has a high deer population that is within the carrying capacity of the land, and that is evidenced by the good condition of the deer.

The fact that a group does not have a written deer management plan does not mean that deer management thinking and planning does not take place there. In such a group, every member knows where every other member is coming from and they do not need to put that on a piece of paper. However, it is an objective for us to get that on a piece of paper where people want to see that deer management planning is, to some extent, formalised and regularised.

Nigel Don: Thank you. It is useful to get a paragraph or two about that on the record.

The Convener: It might be useful to refer to Sir John Lister-Kaye's proposal that

"a land ethic needs to require all sporting estate owners to sign up to an absolute minimum of 15% (but ideally much more) of their hill unit, dedicated to natural restoration for twenty-five years."

Do you think that, if that had been applied in the mid-1990s, we would not now be trying to draw up deer management plans?

Richard Cooke: If it had been applied by diktat, it would have been extremely difficult to make it happen in practice. It is happening, not perhaps quite in the way that John Lister-Kaye anticipated—with a quota approach—but because of the mix of objectives that deer management groups now constitute. Having come from a single objective base, they are now multi-objective, and the fact that deer management groups usually have five or six different interests, and that a significant proportion of their management objectives are environmental, means that we are moving into a thoroughly healthy mix that will produce environmental improvements, as well as meeting the other requirements of the code.

Jamie Williamson: It depends what you mean by natural restoration. You must remember that most of our hills had virtually no trees on them 200 or 500 years ago. The trees disappeared 5,000 years ago, and we have now transformed the land by putting far more trees on it. If we are asking what is natural, we should also ask whether it is natural to heavily cull all the herbivores or to remove all the sheep. If we remove all the herbivores, we will get woody vegetation but we will also get more wildfires. You really have to go back to John Lister-Kaye and ask whether he had a romantic view of it five years ago, 100 years ago, 500 years ago, or 5,000 years ago, and then work back from that to decide whether it is sensible to restore the environment to that position.

The Convener: To be clear, he was talking about a hill unit, not a lowland area.

Jamie Williamson: Most of the hill units have been bare of trees for the past 5,000 years. We are trying to bring them back after something like 5,000 or 6,000 years.

The Convener: Well, we could debate that point, and I have no doubt that the committee will do so, but we have time constraints as it is.

Richard Cooke: Could I revert to Nigel Don's question and make a supplementary point? There is part of our submission that I would like to read, because I think that it is important.

"A question which ADMG is currently addressing is what constitutes an effective DMG and how this can be evidenced. In broad terms we would include:

- Regular well attended meetings with representation of all land management interests and appropriate public agencies.
- An up to date and effective forward looking Deer Management Plan based on consensus between members.
- Reference to the ADMG Principles of Collaboration.
- A statement of commitment to the Code.
- A commitment to promote Best Practice to ensure deer welfare and public safety.
- Agreement as to Group practical actions including deer counts, habitat monitoring and cull setting and allocation.
- A commitment to Competence represented by DSC 1 and 2; also "trained hunter" for venison production.
- An external communications policy to ensure that relevant interests, particularly local interests, are kept regularly informed about deer management in the DMG area and have an opportunity to comment on, for example, the Deer Management Plan."

The point that I want to make is that the sign of a healthy, effective and publicly responsible deer management group is not just to do with the deer management plan, although that is important. There are a lot of other aspects. That is the aspiration that we intend to deliver in respect of our members.

The Convener: In the medium term?

Richard Cooke: In the medium term.

Claudia Beamish: Richard Cooke touched on section 7 of the Deer (Scotland) Act 1996. I would like to ask all panel members about the effectiveness of control agreements and why they have not been followed up in any way under section 8, and whether that is related to the burden of proof point that I made earlier, or whether there are other reasons.

Richard Cooke: Following the introduction of the 1996 act, I was a member of the Deer Commission for Scotland, which oversaw the introduction of section 7 agreements. I must say that, as a private land manager representative on the Deer Commission, I was quite concerned about those agreements—it all seemed a bit of an imposition. I confess to that now, because I actually think that they have been an enormous success. Some issues—not a huge number, but some—have been done and dusted and gone away. The legislation provides a good framework for people in a critical situation who do not agree, first as to whether there is a problem, and secondly as to what to do about it and how to apportion the tasks. It has proved to be a good vehicle for that.

13:15

On why section 8 has not been used, I know that it is said that it would not stand a legal test, although that remains to be seen—I am not a legal expert, so I do not have a view on that. However, it is a sign of the success of the voluntary principle that section 7, which relates to agreements rather than orders, has generally been used to take strong steps towards solving the problems at the local level that the section is meant to address.

One area that springs to mind is Caenlochan, which was mentioned earlier and where, relatively unusually, the problem is in summer rather than winter, as the deer gravitate to the top. With SNH in the chair, so to speak, all the estates in the area have got together and reduced the deer population more or less to target. It has been considered necessary to extend the section 7 agreement, and despite the fact that concerns were expressed this year in the media about the area, all parties have now signed up to an extension of the agreement. That is a good example of how careful consensus building within a helpful framework can deliver the necessary outputs when it comes to environmental improvement.

Claudia Beamish: Could you tell the committee—not today, because of everyone's time commitments, but perhaps in writing—about the outcome of other section 7 agreements that you are aware of and whether the resolution has been satisfactory or unsatisfactory?

Richard Cooke: I can do that, but it perhaps makes sense for the committee to hear what SNH says on the matter next week, because it is in the best position to judge. I can certainly give you my take on it, however.

The Convener: That is fine. That order would be perfectly acceptable.

Finally—if we are lucky—the deer management groups are being asked to help with wildfires, which we have heard about. Without commenting further on that issue, will you say whether the groups as currently structured and resourced can take on extra roles successfully?

Richard Cooke: Resources are an issue. Deer management groups raise their own operating funds and enough money to pay the association to represent them. A number of them have difficulty with that. Until now, because they are groups, they have not qualified for access to Scottish rural development programme funding, although that fund is probably relevant to their work. In the

common agricultural policy and SRDP review, we have made representation that that should change, and I understand that similar representations have been made by other organisations, particularly Forest Enterprise. I understand that the Scottish Government is taking that as a recommendation to Europe. If that comes through, it will be helpful when deer management groups undertake projects such as putting together a deer management plan, which they often do not have capacity to do themselves.

Jamie Williamson: I am chairman of my local fire protection or wildfire group and of my local deer management group, both of which are groups with no constitution but of like-minded people who have got together to deal with a common resource or threat. There is no Government input of funding.

In the past, we have found that the fire brigade is not geared up to deal with heath and woodland fires, whereas the vast majority of keepers, particularly on estates with grouse moors where there is regular heather burning in the spring, have Argocats and fire fogging equipment; they also have experience. Actually, with most such fires, we find that the keepers have far more experience and equipment than the local fire brigade. In 2003, when we had huge numbers of fires, the fire brigade used to phone up the fire protection group or wildfire group to order machinery. The fire brigade would arrive with no four-wheel-drive or cross-country vehicles or fire fogging equipment, but we could sometimes place five, 10 or 15 machines at its disposal on remote sites, which proved invaluable. I think that more could be done on that.

The Convener: As those final points really are final points, if the witnesses need to say anything more to us, they can certainly send the committee that in writing. I thank the witnesses for what has been an extremely detailed response to our inquiries.

I shall shortly ask the public gallery to be cleared and move the meeting into private, as previously agreed, to consider our draft report on scrutiny of the 2014-15 draft budget. At our next meeting, the committee will hold its final evidence session on deer management from stakeholders and consider its draft letter to the Scottish Government on climate change adaptation and behaviour change. We will also consider our approach to the scrutiny of the Agricultural Holdings (Scotland) Act 2003 Remedial Order 2014.

I also note that, because of the shortfall relating to the uplift of €223 million in the CAP allocation for the United Kingdom, the committee has agreed to request as a matter of urgency a meeting with the UK Secretary of State for Environment, Food and Rural Affairs, Owen Paterson MP.

13:21

Meeting continued in private until 13:34.

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