

## Continued progress on the lowland deer front



**Richard Cooke, Chairman, LDNS**

*It is very pleasing to see continuing progress in the formation of Lowland Deer Groups (LDGs). The three new Groups in the south west of Scotland replace a much larger former South West Scotland DMG that*

*had become ineffective owing to its size and the distances involved. The new LDGs, Wigtownshire/South Ayrshire, Central Galloway, and East Dumfries and Galloway, will be much more effective in promoting collaborative management of roe deer across the entire area as well as red deer and fallow deer in some locations.*

The LDNS initiative also reported in this issue, Deer on your Doorstep, to be trialled shortly, represents a very interesting experiment in raising public awareness of deer management, particularly in near urban situations.

The pilot project is planned to take place in the Fairmilehead - Mortonhall area to the south of Edinburgh, between the bypass and the city, on land which comprises a mix of residential areas with farm and estate, public recreational, MOD and development land as well as the landscaped corridor of the bypass. An initial presentation will be made to the Community Council in October, to be followed by a wider awareness exercise engaging with land managers, vocational stalkers, private householders, golf clubs, City of Edinburgh councillors and officials and other organisations including the Ministry of Defence and Pentland Regional Park. Assuming that this is successful in generating

local interest I see no reason why it should not be rolled out to other areas where deer issues, particularly road traffic accidents and damage to gardens and public land, are of rising concern.

Overall the Lowland Deer Network is continuing to make good steady progress and I welcome the increasing number of local initiatives throughout lowland Scotland. As ever we are keen that there should be more happening so do please let us know what you have planned out in the Groups and the Regions.



Photo: William Stuart

## Winning entry in Urban Deer Photography Competition

*SNH is pleased to announce the winner of the first Urban Deer Photography Competition. This was won by David Docherty of Glasgow who took an excellent shot of a roe buck in early summer around the Milton area of Glasgow.*

David was delighted to win the competition and will be joining the SNH Wildlife Operations Unit for a day's red deer count from a helicopter where he can further practice his photography skills while enjoying the delights of flying!

The runner up prize goes to Thomas Connor from the Isle of Bute with a picture of four roe deer walking down the High Street at Bollochgoy on the island (see page 2). Thomas took the picture on his iphone - which just goes to show that you don't necessarily need expensive equipment to take great pictures. As runner up, Thomas will be invited to join resident SNH photographer, Lorne Gill, for a day's photography tuition on one of SNH's National Nature Reserves.



Winning entry in the competition. Photo: David Docherty

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# Delivering public interest from deer management



**Ian Ross, Chairman, Scottish Natural Heritage**

*This article was originally for publication in the ADMG Newsletter, SCOPE, but we considered it would be helpful for low ground deer managers and Groups to appreciate the transition that is currently taking place in the deer management sector across the red deer range.*

Hopefully the term and concept of delivering the public interest is something that deer managers throughout Scotland are now very familiar with. It is something which I highlighted when speaking at the ADMG AGM in February and I know that SNH staff have been providing significant support to DMG Chairs, secretaries and members in helping to identify what public interests are currently being delivered by DMGs and where further progress can be made.

Whilst Deer Management as a topic has come under significant scrutiny from the Rural Affairs Committee in recent months and will retain a certain amount of focus as the Land Reform Bill progresses through the Parliamentary process, there is no doubt that deer are just part of a much bigger conversation arising from Holyrood about how Scotland's land is managed.

The DMG assessment process, which 44 DMGs have been through, has I believe, focussed minds on the different aspects of public interest which are derived from deer management. Scotland's Wild Deer – A National Approach (WDNA), which has recently been refreshed and the Code of Practice on Deer Management (Code) have helped form the basis of these assessments. The very useful information gleaned from this process

provides a good baseline from which to demonstrate and measure the step change that the Scottish Government is seeking from DMGs. This will be important when SNH and ADMG is asked to contribute to the RACCE review in 2016.

I do not underestimate the work that is involved in taking forward the actions which have been identified through this process though, which include; developing more effective and inclusive ways of working; demonstrable delivery of wider environmental benefits by managing deer impacts on designated sites, the wider countryside and our important woodland habitats; clarifying the contributions you make to social aspects of health and wellbeing such as responsible access provision; securing the welfare of deer and reducing the likelihood of road traffic accidents. Associated with these challenges though, is an opportunity for land owners and managers to demonstrate both awareness and delivery of public interest and good in the way you work.

My understanding is that most DMGs are now in the process of preparing and producing DMPs in a form that takes full account of the ADMG Benchmark and public interest. Making these plans available, ensuring local communities are given an opportunity to engage and increasing the transparency of deer management is the clear expectation.

At the time of writing, whilst a lot of work has been done in preparing for the production of plans only a small number of DMPs have been completed. For our part SNH will continue to support the work that you are all doing, but the emphasis is very much on DMGs to demonstrate the equitable balance between public and private interests that is required, and that deer management can be effectively integrated with other land uses so that the voluntary system can provide the basis for a modern approach to the management of Scotland's common deer resource.



Runner-up entry in the competition. Photo: Thomas Connor



# Reintroducing 'sporting rates' – not as simple as it sounds?



**Dick Playfair**

*It's no time to be writing commentary on what might be in the Land Reform Bill – just a week or so before the Bill is laid before the Scottish Parliament at some point between now and recess on 26 June.*

That Bill will outline the Scottish Government's proposals on the ending of the exemption that has applied to business rates for "shootings and deer forests" since 1995 and bring such businesses into line with the rest of the business sector – with a couple of notable exceptions.

A chance and recent encounter with members of the Bill team has enabled us to determine more detail about how this re-rating might happen and what it will entail. The anomaly is that in just removing the exemption the intention is that business rates will simply be re-applied across the sector when, as we all know, the sector has moved on dramatically.

'Sporting rates' we were advised is a colloquial term and people understand what it means. They are not defined in statute; it is not a new tax.

How do the assessors determine where such rates should be applied? There are currently 14 assessors across 32 local authorities and the plan is for rates to be applied from 2017.

The assessors would identify "shootings and deer forests". Given that deer management just about applies across all of rural Scotland, and in some cases right up to urban boundaries and beyond, and under the Deer Code anyone with deer on their land has a responsibility to manage them sustainably, then the net for who might be liable for rates is truly spread far and wide.

The farmer who contracts out the control of a few roe is far removed from the estate that is shooting 100 stags, but both are effectively delivering a service that they are expected to perform under the Code. How they deliver that service is surely up to them, whether the stalking is rented or done in house, or alternatively not done at all? Where stalking is rented that could suggest it should be 'rateable' even if it is simply a

necessary management operation. But this could have implications for the vocational deer manager. Definitions of 'sporting' and 'management' will therefore be important. Ironically local authorities will also be liable – even those with a 'no cull' policy.

Undeniably deer management is a service, and one that is necessary for all the reasons we know too well – environmental management, protection of trees, crops and habitat, economic benefits (ie employment), public interest, public safety and, not least, the welfare of the deer themselves.

Where is the line drawn between management (ie culling) and sporting stalking when undoubtedly that is also being undertaken for management purposes albeit by a paying guest? And then there is the exemption for small businesses that should also apply as, where the rateable value is under £10,000, then 100 per cent relief should be available. Many low ground operations will undoubtedly be exempt but, in order to gain exemption we are told that they will still have to be assessed in the first place. There will be an appeal process.

So, as far as just lifting the exemption goes it really isn't that straightforward. The deer management sector has moved on and, where it is now primarily engaged in delivering a service that it is expected to deliver 'in the public interest', should this type of rating still be relevant? The Scottish Government clearly thinks so as it is a source of revenue that, with a bit of smoke and mirrors, can result in a not inconsiderable sum being injected into the Scottish Land Fund to support community buyouts.

Deer management now is bound in red tape, legislation (the Wildlife and Natural Environment Act), the Code and more. It's not a bundle of freebooters and privateers making loads of money out of a free resource; it is in many parts the delivery of a necessary service by skilled professionals. Is taxing the landholdings on which they operate really what the lifting of this exemption is all about?

There will be opportunities for deer managers to make representation to their MSPs to feed into the Stage 2 and Stage 3 process as the Bill goes through Parliament where it will need to be passed as an Act by end of March. That is when this Parliament will break before the Scottish elections in May 2016.

## 'Deer on Your Doorstep' pilot project

*One project that LDNS intends to trial later this year and thereafter roll out across other areas of Scotland, particularly where edge of town deer management may be an issue, is 'Deer on Your Doorstep'.*

The focus of this will be a public meeting open to local residents, farmers, foresters, deer managers, recreational bodies (such as golf clubs) and importantly local councilors and council officials. Objectives of the project are not just to engage with the public but also to increase dialogue with local authorities about deer management and where responsibility for its delivery lies.

Backdrop to the meeting will be displays about deer behaviour and welfare, information about local deer management (if any), photography of local deer habitat, map-based displays and where possible, infra-red night vision photography showing the presence of deer in the area. It is intended to also

include an attitude survey, and to gain information from those attending about their sightings and interaction with deer locally. Possible follow-up may include posters in vets, libraries and other display opportunities, and the introduction of school activity through the Deer in Scotland Information Zone micro site.

The project will be initially trialed in the EH10 area of Edinburgh and a date for a public presentation has been set for the Fairmilehead Community Council meeting, Tuesday 6 October, 7.00pm at Fairmilehead Church.

A night vision exercise in the local area in April in conjunction with Mortonhall Estates, and along the City Bypass corridor between the Lothianburn and Straiton junctions surprisingly recorded no deer although there have been subsequent sightings on both sides of the bypass.

# The German Hunting System

*As deer management continues under the spotlight in Scotland and a further period of transition, comparisons are often made with how wild deer are managed elsewhere in Europe. John Bruce of the British Deer Society takes an in-depth look at the German system in the first of two feature articles.*

The huntable area of Germany is 320,900 sq km, and 338,580 German hunters are registered to hunt; this represents 90 per cent of the German area and 0.4 per cent of the population of nearly 90 million persons. German hunting law is based on the federal hunting law (*Bundesjagdgesetz*) in its version of 29 September 1976, which has been derived from the initial laws set out by Hermann Goring in 1934. As an outline law, it is completed by the laws of the 16 States or *Länder* and their application dispositions.

The land ownership situation in Germany, and some other countries, is that the laws of inheritance follow the laws that Napoleon implemented, in that land shall be divided between inheritors upon death; in the short space of time that has elapsed since it was implemented in 1804 the landownership pattern, farmland, woodland and any other land, has become fragmented to a staggering degree, to the extent that farms or estates as a collection of contiguous fields cannot usually exist. Land parcels have been subdivided possibly six times since 1804 - so a 10ha field then is now potentially at least 64 land parcels of 0.15ha each, or just 1500 sq metres on average, and that is if only two children per family inherit; where there have been more children, then more divisions. This results in a landscape so divided that no-one can rule, except the *Jagdgenossenschaft* (hunting cooperative), which is the association of the landowners within an administrative district, so everyone who owns small land parcels must yield their hunting rights for centralised management and control.

In a typical *revier*, hunting lease area of about 700 ha, held on lease from the commune, there may be 1400 hunting rights owners. This requires a significant investment in bureaucracy to manage the districts' many *reviers* legal requirements as well as the actual game management.



*Crop damage, with high seat. Photo: J Bruce*

In Germany, the hunting rights belongs to the landowner, but he cannot implement them or hunt unless he has undertaken and passed a Hunting Test, *Jagerprüfung*, and obtained his Hunting Licence, *Jagdschein*. Once he has obtained his *Jagdschein* he is entitled to obtain his firearm certificate, *Waffenbesitzkarte*, then he can either hunt his own land or join a syndicate to hunt a *revier*, a leased area.

The two guiding principles of hunting practise are the *Reviersystem*, (*Revier*, or hunting estate system), and the *Pflicht zur Hege*, (the game management duty of the hunting right owner).

The *Revier* system differs from the licence system applying in other countries in that hunting is only allowed in certain areas, (*Jagdbezirke*). Private hunting territories, (*Eigenjagdbezirke*), must have a minimum area of at least 75 unbroken ha and shared hunting territories, (*gemeinschaftliche Jagdbezirke*, pooling together several smaller territories within one administrative district), must have 150 ha. These minimum areas can be increased by the *Länder* - the governments of the 16 independent states in Germany.



*Wild boar in the snow. Photo: J Bruce*





Stag in beech wood. Photo: J Bruce

In a private hunting territory the hunting rights belong to the landowner, if he has a hunting permit and his agricultural, forestry or fish farming area amounts to at least 75 unbroken ha. He can retain the right to hunt his own land.

In shared hunting territories, (which are all hunting areas that don't have the size of a private hunting territory and that are located within the administrative boundaries of a district), the hunting right belongs to the *Jagdgenossenschaft* (hunting cooperative), which is the association of all the landowners. As a general rule, the hunting cooperative leases out the hunting right. There is often a pattern of four or five *revier* to every village, and as German demography is the most ordered in Europe this forms a regular and contiguous pattern across the state.

Hunting rights can be leased to third parties, subject to a limit of 1000 ha, (2000ha in mountain areas), per leaseholder. To obtain a *Revier*, (hunting lease), leaseholders/tenants must have a German annual hunting licence and must have held such a licence for the past three years.

Game management (*Hege*) aims to maintain varied and healthy game populations at levels compatible with landscape and agricultural conditions, ensuring requirements for game survival are met and preventing hindrance to agricultural, forestry and fish farming use of the area, notably game damage.

There are distinctions made between areas/*reviers* which support *Neiderwild*, small game only, (roe deer, fur and feathered game and pests), and those that support, albeit infrequently, *Hochwild*, or large/high game, (including red, fallow and sika deer, and also wild boar, mouflon and chamois). This manifests itself in the *revier* system when leases will be longer - 12 years for *Hochwild*, or 9 for *Neiderwild*, and dramatically more expensive, at about €10/ha with additionally higher

game damage claims, for which the hunter must pay in addition to the rent. In some years the damages will amount to more than the rent especially when wild boar decimate agricultural crops and especially when they "root up" established grassland where damages can equate to €10,000 per hectare.

For some time the State attempted to increase control of hunting activities by additionally setting up an administration system that determined what the cull of every species should be, and which every *revier* was expected to undertake. Recently the truth about performance and expectations has been admitted and this top down system has been more or less completely abandoned, except in areas of Habitat Designation.

The internal administration of a syndicate has several dynamics; they must have a nominated leader who takes responsibility for the administration of the syndicate in that he can sign the lease and other contracts on behalf of the group, and additionally, there must be in place a syndicate contract whereby everyone becomes "jointly & severally" responsible for costs, damages and liabilities, notably the rent and game damage to crops. This contract is inspected by the administration and should it become defective there are legal processes to manage the land and game and to recover outstanding dues and costs. The result is a degree of cross compliance that, in the main, endows rights to all parties and covers most eventualities, it does not however necessarily mean that the behaviour of the participants is any safer, or, that game management is any better than what is found anywhere else in the world, indeed due to the fragmentation of the land the inter-territory hunter behaviour, rivalry, is often detrimental to game management, but, more on that in episode 2.

**Source; Deutscher Jagdschutz-Verband e.V, (DJV) 2003**



# The impact of wind farms on deer behaviour

David Ferguson, Netherton Estates and LDNS Executive Committee Member for North Lanarkshire Deer Management Group

*We often hear arguments about the impact of wind turbines on the surrounding communities, usually along the lines of noise pollution or visual impact; however what impact do wind turbines have on the behaviour of deer?*

Prior to gaining consent to build a wind farm, the developer will be required to carry out an Environmental Impact Assessment (EIA) which will likely, to some extent, consider the displacement of deer from the immediate area of the wind farm. What it is unlikely to consider is how the behaviour of deer will change given the change in their habitat and increased human activity.

As a recreational deer stalker and having had two large (3 MW) wind turbines installed on my woodland this year and three on the farm next door I have been able to observe how the behaviour of the deer has changed through the different stages of the wind farm development.



Photo: William Stuart

The first of these stages was the clearing stage where a large area of trees had to be clear-felled. At this stage the deer seemed to move away from the immediate area. However, as there was sufficient surrounding ground that can hold the number of deer being displaced we believe that they did not move far. Due to the close proximity of my woodland to one of Scotland's busiest motorways I aim to keep deer numbers slightly lower than the ground is capable of holding. This reduces the likelihood of young deer being chased out of a territory along with the risk of deer vehicle collisions.

The second stage of the wind farm development is the construction stage that can last between 6 and 12 months. At this stage there was a significant drop in deer sightings in the area, however; rather than being widely displaced the deer were simply becoming more nocturnal due to the increased human activity through the day and I was seeing a large number of deer with the lamp at night confirming my suspicions. Nocturnal deer may make it more difficult for a deer manager to control deer numbers without a night shooting licence; however, with careful planning and deer management prior to the development, this may be avoided.

The final stage of the wind farm development is when the wind turbines become operational. With the main installation works complete there was a significant reduction in human activity in the area resulting in the deer moving back into the area very quickly. During this stage of the development a large number of young roe bucks were culled, far more than in previous years. This is likely due to the dominant buck not re-establishing the area as his territory and therefore opening up the area for younger buck contention.

Deer are very good at adapting to changes in their environment as is commonly seen in areas of urban development where deer are having to live in close proximity to housing estates. Similarly, in the case of wind farm developments, deer will adapt to avoid human activity. As a deer manager it is important to understand how deer behaviour will change during any kind of development - whether it be a wind farm or housing development. Understanding their change in behaviour can allow for more effective and collaborative deer management.



Photo: William Stuart



# Scotland's Wild Deer – A National Approach (WDNA)

*All deer managers should be familiar with the new, updated 20 year vision for wild deer management in Scotland. It is relevant to all deer species and all types of land ownership and management. It also is important for all organisations and individuals that have an interest in deer management at whatever level.*

WDNA will be delivered by increasing collaboration among land use interests and the Scottish Government – those include individuals, businesses, recreational and community bodies and organisations across the private, voluntary and public sectors. It is supported by the Code of Practice on Deer Management, introduced in 2012, that describes the 'responsibility' to 'manage deer sustainably'.

Deer management is under increasing public and political scrutiny, says the introduction to the Review, and as a consequence there are a number of important new challenges to be addressed.

This 5 year review of WDNA looks ahead to 2020. An accompanying action plan is currently in preparation.

The updated document is available either in hard copy or online from SNH.



## Inverclyde and Dunbartonshire Lowland Deer Group – an update

**Peter D Semple, Chairman, I&DLDG**

*Inverclyde and Dunbartonshire Lowland Deer Group [www.id-dmg.co.uk](http://www.id-dmg.co.uk) was launched in June 2014 following prior meetings of interested parties and considerable preparation.*

In this we are grateful to Derek Kneller and colleagues from North Lanarkshire LDG for invaluable assistance. Although all our core 10 members had experience of deer management, the role of lowland LDGs was new to us – especially to the elected Chair (myself).

Some stalkers are by the nature of things solitary and not natural team members. LDGs are not for everyone. LDG membership involves team working and members require to buy into this so as not to put the whole exercise at risk with implications for all members.

I caution about not growing too big too soon and not committing to more deer control than we can manage. To date we only have one formal deer control contract, a sensitive, amenity, semi-urban, woodland FC scheme. As there is zero tolerance of deer, input is intensive. The project has been a useful exercise and has given us confidence in our abilities.

Despite having only one lease as an LDG, our collective contribution to deer management is considerable and all members have their own leases or are syndicate members. Some then might question the need for LDGs and it is worth considering the advantages.

As there is no longer a local BDS branch, our LDG could help fill that gap. That will not apply to other areas and I have come to appreciate that LDGs work in different ways. Deer management regulations are becoming increasingly complex. For me, being a member of our LDG has been stimulating and I have taken satisfaction in updating my own knowledge through membership.

We are currently seeking some less experienced stalkers or novices as we consider a key role of LDGs is mentoring the next generation of vocational deer managers.

Though a new LDG, our model seems to be working. Long may it continue!



Photo: Peter Semple

# Welfare and Competence

Alastair MacGugan, Scottish Natural Heritage

*The passing of the Wildlife & Natural Environment Act (WANE) placed a requirement on SNH to review the levels of competence among persons who shoot deer in Scotland and the effects of such levels of competence on deer welfare. This review was to be undertaken if legislation requiring a register of those who shot in Scotland was not invoked by 1 April 2014. It wasn't, so SNH has started to think through how the review should be undertaken and what it should consider.*

The Wild Deer Industry Working Group has also considered how it can play its part. This Group is made up from the main shooting organisations as well as LANTRA and SSPCA. The Working Group and SNH have agreed how the review could be undertaken, namely:

1. Quantify the provision of training, what it entails, and the level of uptake amongst those who stalk unsupervised;
2. Agreement on what is meant by welfare and on the criteria that can be used to measure welfare impacts;
3. Consider the impact of training on deer welfare.

This Industry Working Group has compiled information on the number of individuals who have undertaken training, what that has involved and whether there was an award. The primary award considered was the Deer Stalking Certificate 1 (DSC1) of which the 20,000th award was celebrated last year. Other awards that equate to DSC 1 have also been considered.

SNH has published its position on wildlife welfare principles <http://www.snh.gov.uk/docs/A1545530.pdf> and commissioned work to identify what can be measured to assess welfare in deer at the individual animal and group level. Measures could include bullet placement, orphaned calves, mortality rate, fat around the kidneys or heart, carcass condition of yearlings and unusual injury/disease.

A discussion with the Working Group will consider these measures. Recent studies have looked at a number of measures and we will review what work has been done and what if any new information needs to be gathered. A report will be worked on concluding with a draft for discussion during Spring 2016.

## Wild Deer Best Practice

Wild Deer Best Practice has undoubtedly been a success. The suite of guides has, but for a few new Habitat Assessment Guides, been completed. New topics when they come forward will be considered and the published guides will be reviewed periodically to ensure they remain up to date. Best Practice has matured and moved on from the development stage.

This brings the challenge of how to keep the initiative alive and fresh. All the partner organisations in Best Practice run training and promotional events. SNH continues to facilitate training in habitat assessment and run College days. All these events use Best Practice Guides. Ultimately the success of Best Practice was because of the demand from practitioners - so what do practitioners want and how do they want to engage with Best Practice? These are the questions that the Wild Deer Best Practice Steering Group will address and we need your input and thoughts.

## Interim Report to Rural Affairs Climate Change and Environment (RACCE) Committee

*Richard Cooke, LDNS Chairman, gave evidence to the RACCE Committee in November 2013 on the future of deer management in Scotland along with other organisations and individuals. This enquiry resulted in the Committee making recommendations to the Cabinet Secretary in February 2014, and Mr Cooke in his capacity as ADMG Chair was asked to provide an interim report to the Committee in early June this year. Included in this report, which predominantly dealt with progress being made by upland DMGs across the red deer range and their production of Deer Management Plans, an update was also given on the work of LDNS. This is important to emphasise that deer management in Scotland is not a 'one size fits all activity' and that there are wide variations in approach both by region and species.*

The report advised that a distinction was now being made between Lowland Deer Groups (LDGs) and their upland counterparts (DMGs); also that in a low ground context deer management is largely carried out by individual vocational stalkers, often in urban or near urban situations, along with employed forest rangers and contractors, and is a very different practice from equivalent upland activity.

These individual managers are being encouraged by SNH and LDNS to form Lowland Deer Groups that comprise mainly hunters rather than land managers, and that training, improvement and deer welfare are taken very seriously by them.

The reports says that there are now 10 LDGs and that more are being encouraged; also that much of the progress of LDNS to date has been about bringing a disparate range of interests involved in lowland deer management together to recognise common goals. These include farmers, foresters, public bodies, NGOs, local authorities, and many of the rural organisations.

The report states that: "LDGs are at a much earlier stage of development than DMGs and very different in character and operation. Little detailed thought has been given as to how deer management planning can work in the lowlands, but this has been discussed in general terms with SNH. For the moment emphasis has been on promoting collaborative management, training and awareness raising."

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