

# Table of contents

1. A Greener Melrose
2. All Pest Services (Scotland) Ltd
3. Alvie & Dalraddy Estates (now trading as the Alvie Partnership)
4. Angus Glens Moorland Group
5. Animal Aid
6. Animal Concern
7. Ardencaple Farm
8. Auchnafree Estate Company
9. Badenoch & Strathspey Conservation Group
10. Belvoir Estate
11. BH Sporting Ltd
12. Black Mountain Farms
13. British Moorlands Ltd
14. British Veterinary Association
15. Cairngorms Campaign
16. Cairnsmore Syndicate
17. Caledonian Wildlife Management Ltd
18. Cats Protection
19. Cheshire Hawking Club
20. Common Weal
21. Cour Ltd
22. Dalgetty Pest Control
23. Dalhousie Estates
24. Dinnet & West Tillypronie Syndicate Limited
25. Douglas & Angus Estates
26. Drummuir Home Farms
27. Drynoch & Borline Club
28. Dunecht Estates
29. Edinburgh Environmental Services Ltd (EES Pest Control)
30. Estate Management
31. Evenley Wood Shoot
32. Finzean Estate Partnership
33. Fundación Artemisan
34. G W T Plant Hire Ltd

35. Game & Wildlife Conservation Trust (Scotland)
36. Glenogil Ltd
37. GP Environmental
38. Grampian Moorland Group
39. Harburn Estate
40. Highland Sporting Limited
41. Horseupcleugh Estates
42. Howie Irvine Ltd.
43. Humane Wildlife Solutions
44. Hunthill Estate - Glen Lethnot, Angus
45. Invercauld Estate
46. IUCN UK Peatland Programme
47. Kingairloch Estate Limited
48. Laudato Si' Group (Catholic green group)
49. League Against Cruel Sports, Scotland
50. Linton Farm Partnership
51. Lochside Cottages LTD
52. Managed Estates
53. Millden Sporting LLP
54. Milton of Drimmie Farming
55. Montrose Guns and Tackle
56. NFU Scotland
57. Nourish Scotland
58. People for the Ethical Treatment of Animals Foundation
59. Pest Solutions
60. Peta Uk
61. Police Service of Scotland
62. Precision Rifle Services Ltd
63. Reform UK
64. REVIVE: the coalition for grouse moor reform
65. Rickarton Estate
66. Rottal Estate
67. Roxtons
68. RSPB Scotland
69. SCOTLAND: The Big Picture
70. Scotland's Regional Moorland Groups
71. Scottish Animal Welfare Commission

72. Scottish Badgers (SCIO) SC034297
73. Scottish Countryside Alliance
74. Scottish Crofting Federation
75. Scottish Environment LINK
76. Scottish Land & Estates
77. Scottish Raptor Study Study Group
78. Scottish Society for the Prevention of Cruelty to Animals (Scottish SPCA)
79. Scottish Wildlife Trust
80. Stop Climate Chaos Scotland
81. Strathearn Pest Control
82. Strathearn Pest Control Ltd
83. Tarland Climate Crisis Group
84. Tayside & Central Scotland Moorland Group
85. Tayside and Central Scotland Moorland Group
86. The Ben Alder Estate
87. The German Game Conservancy
88. The Law Society of Scotland
89. The Scottish Country Sports Tourism Group (Country Sport Scotland)
90. Tulchan Sporting Estates Ltd
91. Tullybeagles Ltd.
92. WASPSRATS.COM
93. West Mon Gun Club
94. Wild Animal Welfare Committee

## **A Greener Melrose**

Greener Melrose is a Transition group based in the Melrose area of the central Borders.

Greener Melrose is working towards a community that is

- strong, safe, empowered, engaged, collaborative, supported and resilient in an environment where
- energy is renewable, clean and mostly community-owned;
- the economy serves local needs and is circular and low-waste;
- transport is safe, integrated and largely active;
- education is inclusive, engaging and relevant.
- food is healthy and mostly local from a people-friendly, biodiverse mixed land;
- shelter is affordable, energy-efficient and close to where people work and play;
- land use takes the needs of all people and the whole environment into account.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Obviously outdated and cruel.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

It is unethical to kill many species in order to increase numbers of a game species to be shot for entertainment.

Details of control, including numbers shot or poisoned, should be recorded and made available to Nature Scot.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Monitoring should be carried out efficiently and at the owner's cost.

Training should be provided by Nature Scot and be fit for purpose.

Animals in traps should suffer as little as possible.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Grouse moor should be managed under licence and that licence should be forfeited when rules are broken.

Introducing lead pellets and medicated grit into the environment and killing other species in order to shoot red grouse for entertainment cannot be justified and should be regulated.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The licence fee should cover the full costs of administering and monitoring the scheme.

A named person should hold the licence.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Currently the crimes investigated represent the tip of the iceberg. SSPCA needs more powers and resources.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Muirburn prevents a mosaic of habitats, and particularly woodland, from developing. It releases carbon and destabilises peatland so that carbon sequestration is reduced.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

The end of the burning season should be brought forward to protect ground nesting birds.

The full cost should be at the owner's expense.

## **All Pest Services (Scotland) Ltd**

We are a pest prevention and control service company specialising in pest prevention, pest-proofing and urban pest control.

We provide services to a wide variety of businesses, health care providers and domestic customers.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Personally, and as a business I would prefer that we never use glue traps. They are used very much as a last resort and in full compliance with the existing regulations and best practice.

However there are some situations where there is no alternative if we are to achieve control of, in particular, certain House Mouse infestations. In some instances, (particularly where there are competing food sources that cannot be removed or isolated), toxic bait (no matter the bait base or active ingredient), conventional traps, electronic systems etc. simply don't work. In these situations glue traps are our only effective method of control. Without them we are likely to see devastating consequences to some food related businesses where control cannot be achieved.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

A licencing system for trapping activities is highly recommended. This would ensure as far as practicable that all trapping activities are carried out in a professional and humane manner, causing minimum suffering to target pests.

**Do you agree with the proposed licencing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licencing system for the use of certain wildlife traps (sections 4-5)? - licencing agree reasons**

See above.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Don't know

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Don't know

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Don't know

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Don't know

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Don't know

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**



## **Alvie & Dalraddy Estates (now trading as the Alvie Partnership)**

Land owners and managers of 5,560 hectares in Badenoch. Activities include hill farming, forestry, quarrying, renewable energy, long term and holiday accommodation, tourism in the form of holiday accommodation, recreation facilities and attractions.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

There should be a presumption against using any trap that is indiscriminate in the species captured or results in prolonged suffering. If there is a method of using such a trap that can ensure species that are not targeted can be released quickly without harm and frequent checking of such a trap can ensure there is no prolonged suffering, this should be considered as an alternative to an outright ban and purchase.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

There are already regulations, controls and training available that should ensure adherence to best practice and should be enforced.

We have encountered instances where legally set wildlife traps have been tampered with and sometimes set by members of the public. This needs to be considered and addressed.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

We are concerned at groups opposed to specific aspects of wildlife management targeting gamekeepers, wildlife managers and other land managers who are following best practice to control specific species known to be damaging domestic livestock or specific wildlife species. Issuing unique license numbers could be used by groups to target and interfere with traps set by specific land managers who are following best practice.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Climate change is resulting in wildfires becoming a major source of greenhouse gas emissions into the atmosphere. The reduction of herbivores on our uplands is resulting in an increase in fuel loads increasing the risk and frequency of wildfires occurring and the intensity of wildfires when they do occur. Where fuel loads increase over peatland, wildfires can both consume ground vegetation and the underlying peat as evidenced in 2019 at a wildfire in Morayshire in conifer woodland and another in Forsinard on a RSPB reserve. Controlled muirburn funded by grouse shooting is helping reduce the risk and intensity of wildfires and contributing to the bio-diversity of wildlife that in other countries is funded by government. Predator control funded by grouse shooting also helps livestock farming make us more self-sufficient in the food we consume.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

Land management for grouse by controlling rank vegetation helps forestry production by reducing the frequency of wildfires and their intensity when they do occur. Predator control by grouse managers aids livestock farmers and many prey wildlife species such as ground nesting birds and mountain hares. Grouse shooting contributes to employment in many of our uplands that are otherwise sparsely populated and economically disadvantaged. When wildfires in heathland occurs, gamekeepers funded in part by grouse shooting, are the best equipped and most experienced with fire fogging machines on all-terrain vehicles to tackle and suppress such fires.

Licensing of grouse shooting risks discouraging investment in this activity to the detriment of forestry, livestock farming, wildfire management, many prey species and rural employment.

If a land manager is found to carrying out an illegal act, this can and should be addressed using current legislation.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

The Police employ wildlife officers who can and should work closely with land managers to ensure the law is upheld. Allowing charities with specific agendas additional powers to impose their own views on legitimate land use managers would be a retrograde step.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Our estate business involves livestock farming, forestry production, renewable energy, quarrying and tourism in the form of tourist accommodation, recreation facilities and attractions. There is a symbiotic relationship between our business activities. Muirburn is important in reducing the frequency of wildfires and their intensity when they do occur. It improves the bio-diversity of our heathland to better support a diversity of wildlife as well as domestic livestock. By encouraging regeneration of heathland it improves the carbon sequestration of our moorland vegetation. Burning off old, rank and dead vegetation and replacing it with young vegetation, attracts wildlife in the form of deer and many ground nesting birds and domestic livestock which in turn fertilise the land and improve the growth of the vegetation.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

Investment in research on the impacts of muirburn and promotion of best practice based on this research and our management of wildfires is a more positive way to manage this land management activity than licensing and bureaucratic management.

Muirburn is an activity that should be encouraged if we do not want catastrophic wildfires as is happening in Australia, Southern Europe, Western USA and Siberia. Climate change is real, globally wildfires is a major contributor to global greenhouse gas emissions.

## **Angus Glens Moorland Group**

The Angus Glens Moorland Group is a collection of rural estates throughout Angus, founded in 2015. The group demonstrates the work these sporting estates and their staff undertake for our countryside, both in Angus and Scotland as a whole, highlighting the positive impact on our local communities and businesses. This includes conservation of rare heather moorland and the wildlife which lives there.

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

None of our members use glue traps. It is not relevant to grouse moor management.

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

The Angus Glens Moorland Group think that operators of wildlife traps adhere to high professional standards, with many practitioners undertaking training voluntarily.

We don't think that additional regulation on the use of wildlife traps is necessary. It would be better to use training to maximise adherence to best practice and reduce the probability of non-target catch.

Our members strongly believe it should be an offence to tamper with, interfere or sabotage a wildlife trap. The penalties for this should reflect the spring traps penalties in section 5 of the Bill.

We are really disappointed that interference, tampering and sabotage of traps has not been made a standalone offence in the introduced Bill.

### **Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

### **Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

We think that operators of wildlife traps adhere to high professional standards, with many practitioners undertaking training voluntarily.

The Angus Glens Moorland Group don't think that additional regulation on the use of wildlife traps is necessary. It would be better to use training to maximise adherence to best practice and reduce the probability of non-target catch.

We strongly believe it should be an offence to tamper with, interfere or sabotage a wildlife trap. The penalties for this should reflect the spring traps penalties in section 5 of the Bill. We are really disappointed that interference, tampering and sabotage of traps has not been made a standalone offence in the introduced Bill.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Unique Licence Numbers:

The Angus Glens Moorland Group members think it would be disproportionate and unreasonable to subject wildlife traps that kill instantly to unique licence numbers. Unique licence numbers should only be applied to live capture traps where there are obvious animal welfare considerations. Kill traps are deployed far more extensively, which would substantially increase administrative burdens for the licence holder and the estate.

We are really concerned about interference with unique licence numbers by those with anti-shooting agendas. It would be an obvious and easy way to sabotage a gamekeeper, potentially putting employment at risk. This risk is exacerbated by the proposal to include unique licence numbers on kill traps which are extensively deployed. It must be an offence to tamper, interfere or sabotage a wildlife trap.

Modification, Suspension and Revocation:

The Angus Glens Moorland Group members think it would be disproportionate, unreasonable and unfair to impose penalties under a trap licensing scheme for alleged offences that have no connection to the use of wildlife traps.

We think it would be disproportionate, unreasonable and unfair to suspend a licence because of the initiation of a police investigation. NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed beyond reasonable doubt.

Police investigations can easily be triggered by a malicious allegation from someone with an anti-shooting agenda, which would put my employment at risk. The inability to use wildlife traps would be career-ending, and there is a complete lack of safeguards to stop this from happening vexatiously.

Application:

Our members feel it would be disproportionate, unreasonable and unfair to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest an offence in relation to the use of wildlife traps had taken place beyond reasonable doubt. The vagueness of the appropriateness test does not give me confidence that NatureScot would grant me a licence on which my employment depends.

Refusing, suspending or revoking a trap licence could hinder the daily workings of our members, they would be at risk of losing their jobs and homes if they are not able to carry out legal predation control. The wildlife which thrives on the moors thanks to their management would be at a huge risk of diminishing. Predation pressures are already high so it wouldn't take long for certain species to be wiped out, such as Curlew and Lapwing.

Many of our members are regularly victim and targets of trap sabotage / tampering / interference. It's a daily occurrence across the glens carried out by people who are either uneducated and don't understand the purpose of them or people who have an agenda. It costs peoples time and estates money. It also risks peoples livelihoods. How is that fair? A keeper could be going around his daily duties, following best practice, doing everything above board and someone comes along makes his/her trap illegal, resulting in an innocent individual being left with a hefty fine, potential jail time and losing their job. Which would also black mark them for future roles. This would not happen in any other industry.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

Modification, Suspension and Revocation:

The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing. Our members feel this is grossly unfair, disproportionate and creates total uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence beyond reasonable doubt of raptor crime.

We think it would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or a code of practice).

Angus Glen Moorland Group members think that the only trigger for suspension or revocation should be robust evidence that the relevant person has committed raptor crime. The definition of relevant offences is broad and discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.

The consequences of licence suspension or revocation are huge. our members would lose their jobs, their home (including their families) and associated businesses would either shut down or suffer.

We are really concerned about the proposed one-year licensing system, which means there would be no material difference between licence suspension and revocation.

We think it would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation, which can easily be triggered by malicious or vexatious allegations.

Overall, our members feel that this licensing scheme is hugely discriminatory. It will result in people with the right to shoot grouse - and by extension employees like me - being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management. It feels like the Scottish Government are persecuting our members, their families and their livelihoods.

Application:

The Angus Glens Moorland Group think it would be completely disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. 'Appropriateness' is a very broad test that could result in licenses being refused for any number of reasons. It could also result in licences being refused for reasons that could not justify licence suspension or revocation.

Licences should last in perpetuity. It would be disproportionate, unreasonable and unworkable to renew licences annually. Grouse moor management is a long-term investment and the licence duration should reflect this reality.

Annual renewals, combined with the appropriateness test, would provide no certainty to my employer and severely restrict an estate's ability to plan for the future. This will make grouse shooting and moorland management unviable, with huge consequences for people like me. Our members would lose their jobs and their homes (and their families homes), and the wildlife they care for would suffer as a result.

NatureScot's licensing team is already overburdened. We do not have trust or confidence that they could take on another licensing function, let alone a scheme that would see them deciding whether or not it is 'appropriate' to grant licences every single year.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

The Angus Glens Moorland Group think that giving charities statutory powers to investigate any crime sets a dangerous precedent. There is no accountability and oversight of their work.

The Scottish SPCA staff aren't vetted or trained to the same standard as the police officers, which would compromise wildlife crime investigations.

Our members are aware that Scottish SPCA staff publicly express partial views (often concerning legal land management tools and countryside activities) which could lead to investigations being tainted by bias.

The partial views held by the Scottish SPCA in relation to legal land management tools and countryside activities has eroded our trust and confidence in their ability to investigate impartially.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science shows that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. The Angus Glens Moorland Groups have also seen first-hand the benefits of muirburn for species like curlew, golden plover and merlin. Additional regulation has the capacity to detract from these important benefits.

As a muirburn practitioners, we know that muirburn is conducted with absolute professionalism and in accordance with best practice guidance by the vast majority of grouse moor managers. Training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

We have seen no scientific evidence to support the introduction of greater controls on burning where there is peat deeper than 40cm. In addition, there is no evidence to suggest that muirburn is harmful on peat deeper than 40cm. The Peatland ES-UK study demonstrates how beneficial muirburn can be for peatland ecosystems, regardless of peat depth.

The licensing system puts the onus on people, like our members, to determine where the land is peatland or not peatland. There are no peatland maps denoting where the peat is 40cm or deeper, meaning the only available option is to use a peat probe. Even then, the variability of peat depth across small areas means that every square inch of the land would need to be probed – which is not practical and would actually damage peat. The licensing scheme provides no certainty and is unworkable.

Our members think it would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted



unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.

We think it would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control are not as effective as muirburn, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in summer months, producing ideal tinder for smouldering and wildfire ignition. This could actually increase wildfire risk.

Our members feel it would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation – NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

## **Animal Aid**

Animal Aid is one of the world's longest established animal rights groups, having been founded in 1977. We campaign peacefully against all forms of animal abuse and promote cruelty-free living. Our vision is of a world in which animals are no longer harmed and exploited for human gain, but allowed to live out their lives in peace. We campaign on a number of issues that affect animals, including bringing about a ban on the use of snares.

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Glue traps are incredibly cruel and cause immense suffering. Their use cannot be acceptable under the Animal Welfare Act 2006. In England, the Glue Traps (Offences) Act received Royal Assent and a ban will come into force in April 2024, so it is logical that such a ban should be brought forward in Scotland as well.

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

The use of wildlife traps, whether regulated or not, causes immense suffering. Trapping and killing wildlife cannot be acceptable under the Animal Welfare Act 2006.

### **Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Don't know

### **Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

The use of snares — regulated or not — causes suffering to millions of animals every year. Non-target species are frequently caught (even under controlled scientific studies) as well as parent animals, which results in the probable suffering and death of their offspring. Snares and traps are often used by the shooting industry, which seeks to eradicate all wildlife in order to keep game birds alive — only to be shot for 'sport'. The mass release of game birds and subsequent killing of wildlife causes a huge environmental imbalance. The most recent (2022), thorough and extensive report, by Professor Steven Harris, into the use of snares, reviewed all the available data on snaring and concluded that:

'The use of snares in the UK does not meet acceptable standards of animal welfare or any of the principles for ethical wildlife control established by a committee of international experts. Some methods used to kill wild animals have such extreme effects on their welfare that, regardless of the potential benefits, their use is never justified; snaring is such a method. All

the available data show that the only way to stop extremely high levels of non-target capture, illegal use and misuse of snares, address animal welfare concerns, and recognise that wild animals are sentient beings, is to prohibit the manufacture, sale, possession and use of snares in the UK.' A ban on snares in being introduced in Wales because of the harm they cause to animals. A position paper from the Scottish Animal Welfare Commission (SAWC) concluded: "SAWC recommends that the sale of snares and their use by both public and industry are banned in Scotland, on animal welfare grounds."

The use of cage traps to capture and then later kill other birds such as corvids should be banned. As well as the obvious suffering of the birds who fly into the trap, who are killed by game keepers, the decoy birds suffer as well. Animal Aid has documented the frustration and neglect of such birds (see <https://www.animalaid.org.uk/undercover-footage-reveals-suffering-of-wild-birds-in-cruel-trap/> ).

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The shooting of grouse for 'sport' causes suffering to the grouse themselves, to wildlife trapped and killed in order to 'protect' the grouse and to the land on which the grouse exist, through burning and other 'management' techniques — which can also impact on local communities via moorland water run-off. The use of lead shot causes environmental damage and there is no way to remove all the lead shot from the flesh of the birds, causing potential damage to the people who eat the meat. Animal Aid has documented: wildlife persecution, including footage of the traps, snares and 'stink pits' used to lure and kill animals who are perceived to be a threat to the short-term survival of the grouse; and environmental damage, including evidence of the burning of moorland to create heather, which acts as food and shelter for the intended quarry. But burning the moors damages delicate eco-systems and degrades the carbon-rich peat, releasing carbon dioxide, which contributes to climate change. Grouse shooting can also cause destruction of the landscape through the building of roads and tracks across ecologically important upland areas, to access the grouse butts.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Don't know

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

Animal Aid opposes the killing of animals. In addition to the grouse who are killed, countless wild animals are persecuted and killed to maintain grouse 'stocks' for shooters. Land should not be used for shooting, and would be much more beneficially used for recreational tourism and for projects which celebrate nature rather than causing damage and suffering.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

The Scottish SPCA needs to be able to investigate and bring about prosecutions for animal cruelty.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

## **Animal Concern**

Animal Concern is an independent Scottish charity (SC050422) and a membership organisation. Working across the UK we campaign on a broad range of animal welfare issues including factory farming, blood sports, the fur trade, vivisection and wildlife persecution.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

We welcome the inclusion of a prohibition on the use and sale of glue traps in Scotland. Glue traps are an indiscriminate form of trap which cause an unusually cruel slow and painful death over days as a result of asphyxiation, starvation, exhaustion, or vulnerability to predation. This form of entrapment causes extreme panic which exacerbates the cruelty of this form of trap. Animals will often tear their flesh, feathers or fur trying to escape, adding to their already significant suffering. We are pleased the Scottish Government shares this view and urge Members to approve.

The sole amendment we would seek in the first three sections is in Section 2 Subsection (2) where sale (or acquisition) of glue traps is permissible for use outside Scotland or for delivery outside Scotland. At a time when Scotland and the UK are re-assessing the behaviour of citizens abroad in relation to e.g. trophy hunting and the ethics of our citizens footprint abroad in terms of animal welfare, we see no justification for this clause other than to protect commercial interests. Moreover, if sale or acquisition is permissible for any reason, it heightens the likelihood of illegal use domestically and would therefore urge the committee to remove 2(2), sections (a) and (b).

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

See Q.3.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

We fully support the introduction of licensing for the use of traps particularly where they may be lethal. It should be of great concern that at present there is little oversight or regulation in

relation to the use wildlife traps and the introduction of a licensing system should not be viewed as a layer of bureaucracy rather an overdue layer of animal welfare protections.

The Bill in its current form includes extensive criteria against which the licensing of certain traps would be adjudged against. Whilst we do not object to these criteria in principle, we would remind Member's of the principles of ethical wildlife management which if encoded in law would provide for a more rigorous framework. The internationally agreed principles ask questions the Bill does not appear to such as, are there alternatives to traps. We strongly urge the committee to consider this an opportunity to encode the ethical principles in law and afford it due discussion.

Our focus in terms of Q.3 is in relation to the use of snares. This Bill provides the Scottish Parliament with an opportunity to explicitly prohibit their sale and use in Scotland. We would draw the committee's attention to the rationale behind prohibiting the use of glue traps and suggest most if not all the arguments the Scottish Government has deployed for illegalisation apply equally to snaring. These include their indiscriminate nature and prolonged suffering before expiration.

Lastly, Members will be aware that by finally prohibiting the use of snares Scotland would be falling in line with the work of the Senedd Cymru and most European countries.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

As an animal welfare charity we make the over arching point at this juncture that we oppose breeding and/or killing animals for 'sport' which is how we characterise grouse shooting. Moreover, we strongly object to further animals being killed under the auspices of 'land management' to safeguard more economically valuable animals, including game birds, such as red grouse. Animal Concern opposes grouse shooting in principle.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

We reiterate our response to Q.4 that shooting for sport should have had its time. If shooting for sport is to continue, we would support a licensing scheme as a minimum. We ask that the licensing scheme adopts the approach that all is prohibited except that which is specifically and explicitly permitted rather than being open ended. Additionally we would ask that the cost of a genuine application process, rather than an administrative exercise, is borne by applicants.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

We fully support proposals to give additional powers to investigate wildlife crime to the SSPCA in respect of wildlife crime. We would suggest should additional resourcing be deemed a prerequisite to fulfil additional statutory duties that Members' urge Ministers to ensure they accompany any extended powers. We would also remind Members' that where an animal, grouse or otherwise, is found dead the SSPCA cannot investigate even where circumstances provide prima facie evidence of a crime. This section of the Bill provides a clear opportunity to address this oversight.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

We refer Members to the response from the Revive coalition.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

We refer Members to the response from the Revive coalition.

# **Ardencaple Farm**

Farming, Land management

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**



**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

# **Auchnafree Estate Company**

Auchnafree Estate Company owns and farms the lands of Auchnafree, in Perthshire. Auchnafree extends to 4,732 ha of which 4,562ha is rough grazings/heather hill, 60ha is permanent grassland and 131ha of mainly wo native woodland. Originally the Estate was used purely as a sporting grouse moor whereas today it is host to more varied and diverse activities, including 2,100 ewe flock, renewables and tourism. The sporting element of the business involves grouse shooting and deer management. There are 6 full time employees on Auchnafree and 3 part time employees.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Operators of wildlife traps already operate to high professional standards, with many practitioners

undertaking training on a voluntary basis. Our two gamekeepers on Auchnafree have both received training in the correct methods of setting and operating traps, crow cages and snares.

There is no evidence that additional regulation on the use of wildlife traps is necessary. It would be

possible to maximise adherence to best practice and reduce the probability of non-target catch through

the provision of training alone.

Our gamekeepers operate to the highest standards however we have witnesses individuals interfering with legally set cages - this hinders our gamekeepers in their legal right to operate the traps. Therefore I believe it should be an offence to tamper with, interfere or sabotage a wildlife trap. The penalties for this should reflect those relating to the use of spring traps in section 5 of the Bill.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

The proposal to subject wildlife traps that kill instantaneously to unique licence numbers is disproportionate and likely to result in unintended consequences. I can see no benefit to this.

Having witnessed trap tampering i would fear that licencing would increase this illegal activity as individuals who do not agree with the way we manage our moors will see it as an opportunity to sabotage a licence holder. Having a unique licence number attached to each trap would provide additional opportunity for sabotage.

I have no issue with training been undertaken and indeed at Auchnafree all employees using traps have undertaken training as we feel this is best practice. To note at Auchnafree we keep an electronic copy of each trap and unique location.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless there is proof beyond reasonable doubt that an offence in relation to the use of wildlife traps had been committed.

It is my view that licencing would put additional strain on the mental health of gamekeepers. The fear of malicious accusations would put more strain on gamekeepers.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. It is wrong that grouse moor owners and occupiers are being singled out for a punitive civil sanctioning regime against that background.

There are already robust measures in place to deter and punish the persecution of raptors in Scotland.

These include recently strengthened criminal penalties (including unlimited fines and lengthy prison sentences), the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

If licensing is introduced, it would be completely disproportionate, unreasonable and discriminatory for NatureScot to interfere with the right to shoot grouse for any reason other

than robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The licensing scheme is unworkable on a practical level and unfairly singles out grouse moor operators for punitive civil sanctions without justification.

The right to shoot grouse should only be interfered with if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

The Bill gives NatureScot the discretionary power to grant or refuse licences on the basis of its perception of “appropriateness”. This is a very broad test that could result in licences being refused for any number of reasons. It cannot be right that licences are refused on lower grounds than suspension or revocation.

NatureScot’s licensing team is already overburdened. The discretionary application procedure proposed is likely to result in inordinate delays.

**The Licence Period:**

The Bill says licenses may only be granted for a maximum period of 12 months. Businesses will therefore not know from one year to the next whether they are able to operate. This uncertainty will severely inhibit their ability to plan for the future, take on employees and invest in rural Scotland. This will, in turn, disincentivise grouse shooting and moorland management more broadly, which will have adverse downstream consequences for the economy and the environment. Grouse moor management is a long-term investment and the licence duration should reflect this reality

**Modification:**

The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing against the license holder or person managing the land. That is unfair, disproportionate and will create uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

**Suspension and Revocation:**

The consequences of licence suspension or revocation would be devastating for the grouse rightsholder, their employees and the wider community. Jobs, homes and businesses would

be lost. It would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or guidance contained in a code of practice).

The only trigger for any adverse licensing decision (be it refusal, modification, suspension or revocation) should be robust evidence that proves raptor crime had been committed on the estate by a relevant person beyond reasonable doubt.

The broad definition of relevant offences is discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.

On a one-year licensing system, the difference between suspension and revocation is academic. It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that raptor persecution had been committed by a relevant person beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

Overall, the licensing scheme is discriminatory because it will result in people with the right to shoot grouse being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management and without criminal wrongdoing being proved beyond reasonable doubt.

Licence should remain valid indefinitely unless ownership of the sporting rights changes. Otherwise this is going to put a huge amount of pressure on Nature Scot with no additional benefit. Also if delay in approving licence this could lead to difficulties with lettings which would adversely affect our ability to operate our business.

In relation to Auchnafree, I can speak from personal experience regarding accusations of wildlife crime - in 2019 we were implicated in the disappearance of two golden eagles (in fact it was only the satellite tags that stopped working). We were first aware of the issue in May 2019 and it wasn't until 2020 that it was resolved and we were fully exonerated however under the proposed licencing would this mean that we would have our licence removed until it was resolved? If this was the case that would mean that we wouldn't be able to do any lettings for 2 years which would make our business completely unsustainable. It also demonstrated to us how easily a malicious accusation could cause so much disruption and financial impact to our business.

Auchnafree employs two full time gamekeepers which I would not be able to afford if our licence was removed until proven innocent. This would have a significant impact on my farming operation as there would be increased vermin such as foxes predated the livestock. It would have a severely detrimental impact on the flora and fauna at Auchnafree, particularly ground nesting birds such as the lapwing and curlew which nest on Auchnafree. The gamekeepers at Auchnafree are not solely managing the moorland for grouse - we take great pride in the number of red listed species on Auchnafree and watching them flourish. The revenue from grouse shooting enables us to provide labour and resources towards protecting and promoting these species. Removal of the licence and related revenue stream would mean that we could no longer continue to afford to do this.

Through our sheep operation we undertake a robust tick control programme, this is to benefit the sheep, grouse and indeed all ground nesting birds and fauna. We also undertake

bracken control. This has resulted in a noticeable reduction in tick burdens on Auchnafree, benefiting wildlife, livestock and reducing the risk to the general public from Lyme's disease. Revenue from grouse shooting enables us to do this and removal of our licence would result in a reduction in the amount of tick control we could afford to do.

Auchnafree has a significant deer population which is damaging the habitat - over the last few years we have been putting a huge amount of effort into reducing the deer numbers in order to benefit the habitat. While this also benefits the sheep, one of the main aims is to promote the red grouse. The cull levels that we need to undertake come at a high cost to our business - two people are effectively full time on deer control during the hind season and it is not a profitable enterprise. Again, the grouse shooting revenue enables us to afford to maintain this effort.

Having to apply for a licence every 12 months with the granting on the licence based on Nature Scot's perception of "appropriateness" fills me with concern. We took the sporting back in hand in October 2021 and have invested over £100,000 in the sporting enterprise in terms of capital investment, taken on 2 full time gamekeepers and provided an additional part time administration job. If, at the time, the proposed licencing was in place, I think would it is likely that we would have taken a very different route as the proposed system doesn't promote any certainty and feels disproportionately punitive. While i can appreciate that sustainably harvesting red grouse is not palatable to some parties, it does allow us at Auchnafree to fund employment, investment in our business, improvements in our biodiversity such as curlews, lapwings and blackgrouse, reduce tick numbers and improvements in our habitat to name but a few. It also ensures that we have a community here - if we did not have a grouse shooting operation, there would be 4 less people on the holding, which when we only have a community of 11, would be a significant loss.

It is my view that licencing would put additional strain on the mental health of gamekeepers. The reality is that many holdings would not be able to sustain a sporting enterprise if their license was removed which would result in gamekeepers losing their jobs. A malicious accusation which resulted in a license been removed until proven innocent puts jobs and indeed lives at risk. Suicide rates in gamekeeping are disproportionally high and I would be deeply concerned that this licencing would only increase the pressure on those employed in the industry.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Affording charities statutory powers to investigate any crime sets a dangerous precedent. There would be a deficit of accountability and oversight of their work.

Scottish SPCA staff are not vetted nor trained to the same standard as police officers, which could potentially compromise wildlife crime investigations.

Scottish SPCA staff are overt in their expression of partial views (including around legal land management tools and countryside activities) which could lead to investigations being tainted by bias.

The partial views of the Scottish SPCA in relation to legal land management tools and countryside activities has resulted in an erosion of trust and confidence in the charity among many landowners and land managers.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. Additional regulation has the capacity to detract from these important benefits.

Muirburn is conducted with absolute professionalism and in accordance with best practice by the vast majority of grouse moor managers. The provision of training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered. At Auchnafree, both our gamekeepers are trained in best practice when undertaking muirburn and I feel that this is sufficient rather than increasing regulation.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

The definition of peatland is arbitrary and illogical. There is no science to support the introduction of greater controls on burning where there is peat deeper than 40cm.

The licensing system puts the onus of determining whether the land is peatland or not peatland on the licence applicant, despite the policy memorandum acknowledging that Scotland does not currently have soil mapping data for peat with a depth of 40cm.

NatureScot's recent review of the evidence on muirburn confirmed that the only way to measure peat is to use a peat probe. Peat depth can be highly variable across a small area, meaning it will be impossible for an applicant to determine, with absolute certainty, whether the land to which the licence relates is peatland (defined as peat deeper than 40cm) or not peatland.

Probing every inch of ground is practically impossible and would be damaging to the peat. This approach to licensing could result in responsible people inadvertently breaking the law.

It also makes the law difficult for NatureScot to enforce in practice. This lack of certainty makes the licensing system unworkable.

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.

It would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control lead to worse outcomes, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in summer months, producing ideal tinder for smouldering and wildfire ignition. This is counterintuitive to the stated licensable purpose.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

On Auchnafree, the majority of the moorland is unsuited to heather cutting and therefore muirburn is the only practicable way to ensure that the fuel load doesn't build up and increase wildfire risk. Muirburn also benefits our livestock enterprise and other the other species thriving on our moorland. Wildfires are of particular concern because not only would a wildfire be extremely environmentally damaging, it would also mean that we would have to reduce our sheep numbers as there would be reduced grazing available - this would impact us financially and potentially lead to reduction in employment.

On Auchnafree we have a significant amount of peatland with a huge variance in depths. I believe it would be completely impracticable, in some parts of Auchnafree, to determine, with absolute certainty, that no muirburn would occur on peatland. In addition there are areas of drained peat on Auchnafree (draining paid for with government grants many decades ago!). In some of these areas, peat will be deeper than 40cm but have a significant fuel load that needs managing and muirburn is the only practicable way to do this.



# **Badenoch & Strathspey Conservation Group**

Badenoch & Strathspey Conservation Group is a voluntary, community group and a charity. The Group covers the Highland district of Badenoch & Strathspey and the objectives of the Group are:

to stimulate public interest in, and care for, the beauty, history and character of Badenoch & Strathspey; to encourage active conservation of the area through wise use; to encourage high standards of planning and architecture in harmony with the environment.

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Glue traps are extremely cruel and also indiscriminate, meaning that non-target species are trapped too. Their purchase and use should be banned outright.

We consider that the Bill should be worded so as to seek to end inhumane methods such as glue traps that are used to trap and kill animals.

## **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

## **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

We are very concerned at the suffering that is caused by snares. On top of this they are indiscriminate and there are obvious difficulties in enforcing the regulations on snaring. For these reasons we strongly recommend that snares should be banned altogether. We understand that snares are banned in most European countries.

We are also very concerned at the scale and nature of trapping and killing of wildlife that is carried out as part of land management for sport. We strongly recommend that this Bill should introduce further regulation of the use of traps such that the scale of trapping can be significantly reduced.

We recommend that the Scottish Government should adopt the International Consensus Principles for Ethical Wildlife Control.

## **Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

We strongly recommend that animal welfare should be given greater weight and consideration in the licensing scheme.

We welcome that a statutory training scheme is to be administered by NatureScot rather than the industry. However, we regard a training refresher only every 10 years as substantially too infrequent and that such a long gap fails to put sufficient weight on the importance of training and keeping abreast with the law and best practice.

The requirement to monitor very large numbers of traps should not be a burden on the public purse. A licence fee needs to be put in place that will fully cover the costs of administering and running the scheme.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Management of grouse moors has many environmental implications that concern us. The extension of constructed tracks and ATV tracks impacts landscapes, wildlife, the environment, designated wildland and wildness qualities in undesignated upland areas.

Predator control involves the large scale trapping and killing of wildlife, and can be indiscriminate and inhumane. On some estates predator control includes the illegal killing of raptors and it is essential that this Bill puts effective processes in place that can halt this unacceptable practice that has continued for far too long.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

We welcome the proposed licensing system. However, we consider that the mass chemical medication of grouse is not justifiable given its potentially far-reaching impacts, and it should end. We believe that the licence should be held by a named responsible person in order to avoid any ambiguity as to where responsibility lies regarding land management practices.

We are concerned that the Bill should ensure that adding other species of birds onto the licence is straightforward so that the licence system cannot readily be abused.

We consider that the costs of administering and monitoring the licensing system should not be a drain on the public purse but should be fully met through fees.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Providing the SSPCA with these additional powers would increase capacity to tackle wildlife crime and increase the investigation into offences involving animal welfare.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The Scottish Government is spending very substantial sums of public money on peatland restoration, and such restoration is intended to play a key role in Scotland's efforts to tackle climate change. Yet, muirburn damages peat and can prevent it from re-wetting and recovering, resulting in degraded peat emitting, rather than storing carbon, and thus undermining Scotland's ability to achieve vital climate change targets.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

We regard the definition of peat at 40cms deep as too high and strongly recommend that this depth should be reduced to at least 30cms, or that muirburn on peat of any depth should be stopped.

If restrictions on muirburn are contravened, there need to be meaningful consequences in place that affect the grouse moor licence.

## **Belvoir Estate**

16,000 acres estate in Leicestershire, mixture of arable and life stock farming with some tenanted farms.

Commercial shoot, 150 days a year average with small occasioned grouse shoot in the peak district.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

I have no experience with glue traps therefore I cannot comment.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

All wildlife traps are operated to the highest standards. There is regular training courses as with so many other things, it is important for all staff to keep to the right code of conduct.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

There is absolutely no evidence at all that any additional regulations should be used for wildlife traps. Best practice is all taken place by proper training.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The wildlife crime record does indicate raptor persecutions tied into Grouse Moore. Many are now at the lowest levels ever recorded. Grouse Moore owners and occupiers should not be singled out. Extreme measures are in place to punish the persecutions of raptors and criminal penalties which include large fines and lengthy prison sentences. If licensing is

introduced it would be totally unreasonable for natures scot to interfere for the rights to shoot grouse.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

In no way do I agree and it is morally wrong to propose any licensing system for the land that is being cared for, shot over and looked after by private land owners.

It is proved beyond doubt that so many private land owners have secure wildlife outside grouse shooting for the future of sport. If these land owners walk away from all this, the moorlands and beautiful hills of Scotland would be desilt in only a few years.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

I do not think that SPCA staff are trained to the same standard as police officers and will undoubtedly cause problems in wildlife crime investigations. As far as SPCA are concerned the land managers tools and country side action has now lost all trust between land owners and managers.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

I am totally informed that Muirburn is definitely the right outcome for peat land carbon balances, methane reductions and wild fire mitigation and this is completely to leaving vegetation unmanaged.

Muirburn has total professionalism in all that it does and in accordance with best practice by majority of grouse moore managers.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? -  
Please provide your reasons for your answer in the box provided.**

There is nothing to prove that there should be greater controls on burning where the peaty is deeper than 50cm. The license suggestion puts on a very much complicated angle to whether land is peat land or not peat land and that is where putting it on a license application, nature scot particularly does not currently have correct mapping data for the peat of 50cm. Nature scot measures the peat depth using a peat probe. The depth of the peat is high value across a small area which means it will be impossible to determine whether land in which licensing relates to is peat or not peak land. Probing all this land is practically impossible and may even be damaging to the peat and with the licensing system it could be that various individuals might be breaking law. I cant see how it's possible that nature scot can enforce this practice - therefore, in my view licensing is unworkable.

# **BH Sporting Ltd**

Business manage multiple sporting estates /Grouse moors across the UK.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

no experience.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

There is no evidence that additional regulation on the use of wildlife traps is necessary. It would be possible to maximise adherence to best practice and reduce the probability of non-target catch through the provision of training alone.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

The sector has adapted hugely over the last number of years and Moorland managers are some of the most highly trained employees across the agriculture sector.

Interference with the new unique licence numbers by parties with agendas is a cause for concern and is the obvious way of sabotaging a licence holder. if this is actioned provision must be made to make tampering, interfering and sabotaging a wildlife trap an offence with penalties reflecting those in section 5 of the Bill.

It would be disproportionate and unreasonable to modify, suspend or revoke a licence for any crime other than those relating to the use of wildlife traps. It would be unfair and illogical to impose penalties under a trap licensing scheme for alleged offences that have no connection to the use of wildlife traps.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. It is wrong that grouse moor owners and occupiers are being singled out for a punitive civil sanctioning regime against that background.

Current measures in place to deter and punish the persecution of raptors in Scotland have recently been reviewed with higher criminal penalties and the introduction of vicarious liability for landowners and also the option for NatureScot to impose restrictions on the use of general licences, all these act as huge deterrents.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The licensing scheme is unworkable on a practical level and unfairly singles out grouse moor operators for punitive civil sanctions without justification.

The Bill gives NatureScot the discretionary power to grant or refuse licences on the basis of its perception of “appropriateness”. This is a very broad test that could result in licences being refused for any number of reasons. It cannot be right that licences are refused on lower grounds than suspension or revocation.

The only trigger for any adverse licensing decision (be it refusal, modification, suspension or revocation) should be robust evidence that proves raptor crime had been committed on the estate by a relevant person beyond reasonable doubt.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

The partial views of the Scottish SPCA in relation to legal land management tools and countryside activities has resulted in an erosion of trust and confidence in the charity among many landowners and land managers.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No



**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. Additional regulation has the capacity to detract from these important benefits.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

It would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control lead to worse outcomes, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in summer months, producing ideal tinder for smouldering and wildfire ignition. This is counterintuitive to the stated licensable purpose. As we are practically finding out in England.

# **Black Mountain Farms**

Sheep farming and sporting estate

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

No experience and cannot comment

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Operators of wildlife traps already operate to high professional standards, with many practitioners undertaking training on a voluntary basis.

There is no evidence that additional regulation on the use of wildlife traps is necessary. It would be possible to maximise adherence to best practice and reduce the probability of non-target catch through the provision of training alone.

It should be an offence to tamper with, interfere or sabotage a wildlife trap. The penalties for this should reflect those relating to the use of spring traps in section 5 of the Bill.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Unique Licence Numbers:

The proposal to subject wildlife traps that kill instantaneously to unique licence numbers is disproportionate and likely to result in unintended consequences. Unique licence numbers should only be applied to live capture traps where there are heightened animal welfare considerations.

Interference with unique licence numbers by parties with vexatious agendas is a cause for real concern and is the obvious way of sabotaging a licence holder. Provision must be made to made to make tampering, interfering and sabotaging a wildlife trap an offence with penalties reflecting those in section 5 of the Bill.

Modification, Suspension and Revocation:

It would be disproportionate and unreasonable to modify, suspend or revoke a licence for any crime other than those relating to the use of wildlife traps. It would be unfair and illogical to impose penalties under a trap licensing scheme for alleged offences that have no connection to the use of wildlife traps.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

Application:

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless there is proof beyond reasonable doubt that an offence in relation to the use of wildlife traps had been committed

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. It is wrong that grouse moor owners and occupiers are being singled out for a punitive civil sanctioning regime against that background.

There are already robust measures in place to deter and punish the persecution of raptors in Scotland. These include recently strengthened criminal penalties (including unlimited fines and lengthy prison sentences), the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

If licensing is introduced, it would be completely disproportionate, unreasonable and discriminatory for NatureScot to interfere with the right to shoot grouse for any reason other than robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The licensing scheme is unworkable on a practical level and unfairly singles out grouse moor operators for punitive civil sanctions without justification.

#### Application:

The right to shoot grouse should only be interfered with if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

The Bill gives NatureScot the discretionary power to grant or refuse licences on the basis of its perception of “appropriateness”. This is a very broad test that could result in licences being refused for any number of reasons. It cannot be right that licences are refused on lower grounds than suspension or revocation.

NatureScot’s licensing team is already overburdened. The discretionary application procedure proposed is likely to result in inordinate delays.

#### The Licence Period:

The Bill says licenses may only be granted for a maximum period of 12 months. Businesses will therefore not know from one year to the next whether they are able to operate. This uncertainty will severely inhibit their ability to plan for the future, take on employees and invest in rural Scotland.

This will, in turn, disincentivise grouse shooting and moorland management more broadly, which will have adverse downstream consequences for the economy and the environment. Grouse moor management is a long-term investment and the licence duration should reflect this reality

#### Modification:

The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing against the license holder or person managing the land. That is unfair, disproportionate and will create uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

#### Suspension and Revocation:

The consequences of licence suspension or revocation would be devastating for the grouse rightsholder, their employees and the wider community. Jobs, homes and businesses would be lost. It would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or guidance contained in a code of practice).

The only trigger for any adverse licensing decision (be it refusal, modification, suspension or revocation) should be robust evidence that proves raptor crime had been committed on the estate by a relevant person beyond reasonable doubt.

The broad definition of relevant offences is discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.

On a one-year licensing system, the difference between suspension and revocation is academic. It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that raptor persecution had been committed by a relevant person beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

Overall, the licensing scheme is discriminatory because it will result in people with the right to shoot grouse being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management and without criminal wrongdoing being proved beyond reasonable doubt.

The consequence of a licence refusal, suspension or revocation could mean a reduction in the investment in the property and local economy, which is currently considerable and supports 7 full time employees and their families. In this part of Scotland, many rural businesses rely on the direct- business from farms and estates and a loss of licence will have far reaching implications, which cannot be replicated by other land uses.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Affording charities statutory powers to investigate any crime sets a dangerous precedent. There would be a deficit of accountability and oversight of their work.

Scottish SPCA staff are not vetted nor trained to the same standard as police officers, which could potentially compromise wildlife crime investigations.

Scottish SPCA staff are overt in their expression of partial views (including around legal land management tools and countryside activities) which could lead to investigations being tainted by bias.

The partial views of the Scottish SPCA in relation to legal land management tools and countryside activities has resulted in an erosion of trust and confidence in the charity among many landowners and land managers.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. Additional regulation has the capacity to detract from these important benefits.

Muirburn is conducted with absolute professionalism and in accordance with best practice by the vast majority of grouse moor managers. The provision of training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

The definition of peatland is arbitrary and illogical. There is no science to support the introduction of greater controls on burning where there is peat deeper than 40cm.

The licensing system puts the onus of determining whether the land is peatland or not peatland on the licence applicant, despite the policy memorandum acknowledging that Scotland does not currently have soil mapping data for peat with a depth of 40cm.

NatureScot's recent review of the evidence on muirburn confirmed that the only way to measure peat is to use a peat probe. Peat depth can be highly variable across a small area, meaning it will be impossible for an applicant to determine, with absolute certainty, whether the land to which the licence relates is peatland (defined as peat deeper than 40cm) or not peatland.

Probing every inch of ground is practically impossible and would be damaging to the peat. This approach to licensing could result in responsible people inadvertently breaking the law. It also makes the law difficult for NatureScot to enforce in practice. This lack of certainty makes the licensing system unworkable.

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.

It would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control lead to worse outcomes, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in summer months, producing ideal tinder for smouldering and wildfire ignition. This is counterintuitive to the stated licensable purpose.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

## **British Moorlands Ltd**

British Moorlands has a 20 year record of managing moorland in Scotland for various owners with special emphasis on conservation of upland birds. The income from grouse shooting and falconry is used for improving the conservation of other upland birds such as Curlew, Lapwing, Golden Plover and Oystercatcher.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Glue traps are for indoor control of rats and mice, not for use on moorland

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

These are already strictly regulated

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

All of this is already regulated or covered by codes of best practice. Predator control is valuable to wildlife but expensive to provide. Extra regulatory burdens would lead to less predator control and more loss of wildlife such as rare waders.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Increased regulation would mean extra time and cost for training already experienced operators, applying for licences etc. Due to climate change disrupting their breeding success there has been very little income from grouse shooting in recent years and any additional regulatory cost would cause many landowners to look for more viable land use. Commercial forestry would be the main alternative and this would deprive our rare wader



species of the open moorland which they need for nesting, and control of their predators by gamekeepers which science has shown to be essential.

Moorland management for grouse costs at least £40 per hectare per annum and no other upland activity employs as many full time jobs per unit area. This input plus the tourism income from grouse shooters sustains remote rural communities. It's much too valuable to risk losing it !

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

This would be seen as an attack on a small minority which has suffered enough abuse on social media from people who have little knowledge of rural life and oppose anything that does not have a Disneyland type image.

The Bill could be unlawful if it attempts to restrict fundamental rights of land ownership including the right to take game.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

We have Wildlife Crime Officers from Police Scotland who are trained for this work. To use others could be dangerous and specially SSPCA which may have an anti-shooting bias.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The Muirburn Code and existing law cover this very well.

Any extra burden of training, certification costs etc would result in more operators abandoning burning and using heather cutting instead. This would suit grouse but not the rare waders which need the bare ground for nesting. Cutting leaves a stubble and dried out residue which increases the risk of wildfire.

Leaving heather to grow, as in re-wilding, results in increased fuel loads from very old heather and when there is a wildfire this will burn hot enough to ignite the peat as happened in the fires in N.E.Scotland in the Spring of 2019 releasing a huge tonnage of carbon into the air. Note that muirburn is only done when the moss layer and peat are damp enough not to ignite. Regular burning has been shown by York University to benefit the peat forming mosses by removing the shade from the heather canopy.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

Same reasons as stated in Section 7

# British Veterinary Association

The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the UK with over 19,000 members. BVA represents, supports, and champions the interests of vets in this country.

BVA Scottish Branch brings together representatives of local veterinary associations, BVA's specialist divisions, government, and research organisations in Scotland. The Branch advises BVA on the consensus view of Scottish members on local and United Kingdom issues.

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Introduction

1) BVA recognises that it may be necessary to control free-ranging wildlife in certain circumstances where there is a negative impact on human and animal health, food, agriculture, property, or the environment. Any control should, however, follow the Dubois international consensus principles for ethical wildlife control (Dubois S, Fenwick N, Ryan E, Baker L, Baker S, Beausoleil N, Carter S, Cartwright B, Costa F, Draper C, Griffin J, Grogan A, Howald G, Jones B, Littin K, Lombard A, Mellor D, Ramp D, Schuppli C and Fraser D, 2017. International consensus principles for ethical wildlife control. Conservation Biology 31: 753-760.) , applying prevention and deterrents initially. Where control is shown to be necessary, methods which are as humane as possible must be used. Any interventions (lethal or non-lethal) should be carefully planned, monitored and reviewed and should take into consideration the welfare of the targeted individual(s), other individuals of the same species, dependent neonates and non-target species.

2) We also believe that there is a need for further research into, and development of, alternative methods, including the use of new technologies where appropriate, for the deterrence of free-ranging wildlife as well as into more humane methods of trapping and killing free-ranging wildlife, where it is considered necessary.

3) In addition to our views on glue traps and wildlife traps we are also calling for a ban on the sale and use of snares with further details available in our position on snaring (<https://www.bva.co.uk/media/4626/bva-and-bvzs-position-on-the-use-and-sale-of-snares.pdf>) and are encouraged by the Scottish Government's commitment to carrying out a wider review of snaring, which will consider the welfare implications and look at whether there should be a ban on their use.

Question 1

4) Yes, we strongly welcome the proposed ban on the sale and use of glue traps. We consider that glue traps are an inhumane method of trapping and killing rodents and that they should be replaced by alternative methods of rodent control. We recognise that it may

be necessary to control or eradicate rodents due to their negative impacts on human and animal health, food, agriculture, property and the environment. The methods used to control rodents are, however, controversial, due to their impact on animal welfare (Mason G and Littin K, 2003. The Humaneness of Rodent Pest Control, *Animal Welfare*, 12, 1-37. Meerburg BG, Brom FWA and Kijlstra A, 2008. Yeates, J. 2010. What can pest management learn from laboratory animal ethics? *Pest Management Science*, 66, 231–237. The ethics of rodent control. *Pest Management Science*, 64, 1205–1211.) and this is especially so in the case of glue traps (Fenwick, N., 2013. Evaluation of the humaneness of rodent capture using glue traps, prepared for the Canadian Association of Humane Trapping, 31 July 2013. Available at: <http://www.caht.ca/evaluation-of-the-humaneness-of-rodent-capture-using-glue-traps/>). Glue traps significantly compromise animal welfare for the period during which animals are trapped, and there are additional welfare concerns associated with methods of killing of trapped animals.

5) A recent research study carried out with the input of fifteen experts with backgrounds in wildlife management, rodent management, rodent biology, animal and welfare science, and veterinary science and medicine assessed the relative welfare impacts of six lethal rat management methods. It found that glue traps had an extreme impact on animal welfare (<https://www.cambridge.org/core/journals/animal-welfare/article/an-assessment-of-animal-welfare-impacts-in-wild-norway-rat-rattus-norvegicus-management/AEEE82AC49A55136E322A2900D8F6093>). The welfare concerns related to glue traps include dehydration, hunger, distress, torn skin, broken limbs, hair removal, suffocation, starvation, exhaustion, and self-mutilation ( Frantz SC and Padula, CM, 1983. A laboratory test method for evaluating the efficacy of glueboards for trapping house mice. In: *Vertebrate Pest Control and Management Materials: Fourth Symposium*, (Ed. by D. E. Kaukeinen), pp. 209–225. Philadelphia, PA: American Society for Testing and Materials. Mason G and Littin K , 2003. The Humaneness of Rodent Pest Control, *Animal Welfare*, 12, 1-37).

6) Glue traps are also indiscriminate and may capture wild and domestic species for which their use is not intended. Evidence from other parts of the UK shows that non-target species are regularly trapped by glue traps. Between 2015 and 2019, the RSPCA received 243 reports of glue trap incidents of which over 73% involved pets and non-target wildlife (RSPCA, 2020. We're caring for a feral kitten rescued from a glue trap <https://www.rspca.org.uk/-/kitten-in-glue-trap>). Our policy position on glue traps contains further evidence of the welfare impact on both target and non-target species (<https://www.bva.co.uk/media/4362/full-bva-position-on-the-use-and-sale-of-rodent-glue-traps.pdf>).

7) Glue traps are currently freely available to the general public with no restrictions on their sale. Marketing and packaging often make their use appear to be simple and a good alternative to using 'poisons'. Some retailers have already stopped their sale following campaigns by welfare groups (HSI UK, 2015. Inhumane, indiscriminate, indefensible: the case for a UK ban on rodent glue traps <https://www.hsi.org/wp-content/uploads/assets/pdfs/hsi-glue-trap-report.pdf>). Furthermore, instructions for glue traps frequently fail to explain the need to kill the trapped rodent or provide examples of how to do this humanely. A blow to the head to result in instant death is the method advised by the professional pest control industry and regarded by experts as being 'humane'. However, it is questionable whether members of the public would be willing or able to do this effectively. A YouGov survey of 2000 British adults carried out in 2015 found that only 20% of respondents would recommend killing a trapped animal using this method. More than half of the people surveyed said they either would not know what to do with an animal caught on a glue trap or

would recommend an action that risked committing an offence under the Animal Health and Welfare (Scotland) Act 2006.

8) The Republic of Ireland has already implemented legislation severely restricting the use of glue traps. The Wildlife (Amendment) Act 2000 (Irish Parliament 2000) allows for the approval and regulation of certain traps under The Wildlife Act 1976 (Approved Traps, Snares and Nets) Regulations 2003 (Irish Parliament (2003). Wildlife Act 1976 (Approved Traps, Snares and Nets) Regulations 2003 <http://www.irishstatutebook.ie/eli/2003/si/620/made/en/print>); glue traps are not listed as approved traps. It is an offence to import, possess, sell, or offer for sale unauthorised traps. There is provision for glue trap use under ministerial authorisation (licence) but there are no records of such licences having been issued.

9) We called for the ban on the sale and use of glue traps to come into force immediately as alternative methods for rodent control already exist. Research (Mason G and Littin K , 2003. The Humaneness of Rodent Pest Control, Animal Welfare, 12, 1-37) carried out to assess the humaneness of alternative methods came to the conclusion that the following methods were preferable:

- Deterrence and exclusion – by means of rodent-proofing and good hygiene
- Well-designed snap traps – these should kill extremely quickly if of good quality and set and maintained appropriately
- Electrocuting traps – electrocuting traps should be considered as one of the most humane methods of rodent control providing that they deliver an effective, instant stun
- Cyanide gas (fumigant) – cyanide gas can cause some discomfort, but only briefly, and induces very rapid and painless loss of consciousness.

The research also listed alpha-chloralose (bait poison) as a more humane method but we would point out that this is a matter of degree and the search for a humane as possible bait trap should be enhanced.

10) We recognise that it may be necessary to control or eradicate rodents due to their negative impacts on human and animal health, food, agriculture, property and the environment. Where pest control is required, we support the ethical use of pest control methods, which first requires consideration of whether it is necessary control pests at all, and second, whether it is necessary to kill them for control.

11) With these considerations in mind, we support the use of integrated pest management (IPM) (Traweger, D., Travnitzky, R., Moser, C., Walzer, C. & Bernatzky, G. 2006. Habitat preferences and distribution of the brown rat (*Rattus norvegicus* Berk.) in the city of Salzburg (Austria): implications for an urban rat management. *Journal of Pest Science*, 79, 113–125. -Meerburg BG, Brom FWA and Kijlstra A (2008). The ethics of rodent control. *Pest Management Science*, 64, 1205–1211.), which consists of following the below steps:

- Prevention (the exclusion of rodents and carefully managing environments to prevent them becoming attractive to rodents);

- Monitoring (to assist in pest control decision-making), and
- Control (killing).

12) We are calling for a UK-wide ban on the sale and use of glue traps to ensure consistency in animal welfare legislation in all four nations and avoid enforcement issues arising from the use of glue traps purchased in one of the nations being used in another one. Wales has already proposed similar legislation to Scotland, and in England the Glue Traps Offences Act 2022 makes it an offence for members of the public to use glue traps. However, there are currently no plans for legislation in Northern Ireland.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

13) Yes, we agree. Lethal traps have a significant potential to adversely affect animal welfare, as do non-lethal traps that are poorly designed and maintained. They can also result in unnecessary suffering of non-target species. Some forms of live capture traps such as cage traps may be viewed to carry less risk to animal welfare. However, they still represent a substantial welfare threat since the target animal is held in a device that may, by its structure and design, cause injury and stress, as well as significant behavioural restriction. Captured animals, including non-target species, can also be exposed to other factors such as hunger, thirst, high and low temperatures and the risk of predation.

14) The lack of a legally required process that the owner or user of the territory where a trap is set has to complete, to assess whether the method chosen is a proportionate means to address the targeted problem without a need to consider the use of or reflect on the impact of other methods, exacerbates the potential for detriment to animal welfare.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Don't know

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

15) Incorrect usage of traps can have significant welfare implications, not only for the target species but also their neonates and dependent young, as well as non-target species. We are therefore supportive of the licensing and training requirements proposed in the Bill in so far as they allow for improved traceability of traps and accountability of the operator. We believe that this is a valuable step to helping achieve improved enforcement action where traps are poorly designed or operated in contravention of animal welfare law.

16) We are also supportive of the introduction of record-keeping and reporting requirements as proposed in the consultation to allow for improved monitoring and assistance with enforcement activities. This requirement should also cover data on non-target species that were caught or killed using licensed traps. The data collected this way

could be a valuable source of information to assess the effectiveness of the traps. It should therefore be recorded electronically and connected with a centralised database. There should also be an additional requirement stipulating the frequency at which traps should be inspected that forms part of the reporting requirements. Additionally, licence renewal should also involve an assessment of the impacts of any controls used. Sufficient resources will need to be made available to the licensing body to ensure that the proposed licensing system can operate effectively to achieve its aims.

17) Aside from the specific issues of the use of traps as they pertain to grouse moor management and raptor persecution, we believe that the regulatory regime for wildlife control should be based on the prevention of welfare harm in the first place. Any interventions (lethal or non-lethal) should be carefully planned, monitored and reviewed and take into consideration the welfare of the targeted individual(s), other individuals of the same species, dependent neonates and non-target species.'

18) We believe that there remains a need for further research into, and development of, alternative methods for the deterrence of free-ranging wildlife as well as into more humane methods of trapping and killing free-ranging wildlife, where it is considered necessary.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Don't know

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

This question is outside the remit of our response.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Don't know

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

This question is outside the remit of our response.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Don't know

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

this question is outside the remit of our response.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Don't know

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

This question is outside the remit of our response.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Don't know

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

This question is outside the remit of our response.



# Cairngorms Campaign

Cairngorms Campaign, a charitable organisation which strives to prevent unsustainable, damaging developments and argues for better environmental management of the Cairngorms area

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

These traps are very cruel to the wildlife these traps are targeted to and arguably will unintentionally entrap other species. If Scotland aspires to be a civilised society, these traps must be banned. A integral part of any wildlife management bill must end the cruelty of wildlife killing and trapping.

## **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

## **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

There needs to be a presumption against any wildlife trapping, in line with an increasing number of European nations. To achieve an improved biodiversity, which the Scottish Government appears to support, the norm needs to be a ban on the use of any kind of trapping and killing of wildlife by traps or snares.

The trapping and snaring of predators to birds which are being selectively protected or bred for 'sport' needs to be completely banned. If the Scottish Government does not feel able to do this, licensing of trapping must be strictly controlled especially on grouse moors and there must be a legal obligation for accurate record-keeping of animal killed.

## **Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

## **Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Although, our preference is to move towards a complete ban, by critically reviewing feedback from licensing, and the need for future trapping needs to be critically examined.

All trap licensing and associated monitoring should be a zero public cost. Consequently costs of licensing need to cover all administrative and monitoring costs,

Statutory training on trapping needs to be administered by NatureScot, and needs to be in depth training and not just a token gesture one day training. Re-training should be at least every 5 years and preferably every 3 years.

Animal welfare needs to be paramount in the rules behind any licensing of trapping.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Current laws covering grouse moor management have been insufficient for decades, and the examples of unenforced breaches are too numerous to mention.

Vast areas of the Highlands are now intensively farmed for grouse shooting. Much of the Highland landscape is now very artificial and certainly is not a natural landscape. However, underlying this un-natural landscape is a huge managed reduction in biodiversity, all to support the so-called 'sport' of shooting wild birds such as grouse. In addition to the negative effects on the environment and wildlife welfare, the predominance of managed grouse moors has a negative effect on local communities and their economy. The shooting estates put up contrived arguments, which they call evidence, which tries to claim that local economies would be devastated if driven grouse shooting were to cease.

Tourism has a much larger economic impact on local communities than game shooting. Our visitors are becoming much more aware of the need for a sustainable environment and landscape. In the Cairngorms, increasing numbers of visitors want to visit and experience wild environments and areas where rewilding is evident (e.g. Cairngorms Connect sites). Visitors are increasingly critical of the highly managed grouse moor wastelands of, for example, the eastern Cairngorms, with their artificial patchwork quilt landscapes formed from muirburn.

Any grouse shoot licensing should ensure that numbers of grouse shot are accurately recorded and reported as part of the licence conditions.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

Licence fees should fully cover all administrative costs and official monitoring costs, whether by NatureScot or the Police. All licences need to be regularly monitored by NatureScot and these licences should not just become 'pieces of paper'. There also needs to be real justification presented in the licence application as to why grouse shooting should be licensed at all. Licences need to have a fairly short term - e.g. 3 years maximum.

There needs to be a named person responsible for holding and proper administration of the licence. This needs to be a senior person responsible for the overall management of the estate or the land owner.

The licence needs to be flexible enough to add other bird species to the licence at the behest of the licensor - to avoid loopholes such as changing the emphasis from grouse shooting to partridge shooting.

Licences should prevent the practice of mass chemical medication of feed and/or grit.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

There needs to be a strong feedback loop on such wildlife crimes which if proven will result in the loss of licences, not just for trapping as occasionally happens now, but a complete loss of licence for shooting.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

There needs to be a complete presumption against any muirburn, the practice of muirburn only being permitted in exceptional circumstances, and certainly not just to increase grouse populations.

In a time of climate change, when there is a need to actively control CO2 emissions to atmosphere and sequester carbon wherever possible it is unsustainable and illogical to:

- permit large scale muirburn across large areas of the Highlands
- permit muirburn on peat soils, which can burn off peat, and limit the further sequestering of carbon into peatlands.
- spend millions of pounds of public money with sporting estates to restore peatlands, whilst not controlling muirburn on these same estates.

Additionally what is not measured is the loss of biodiversity and destruction of wildlife and their habitat by muirburn. Birds and larger animals can fly away and escape, but small mammals and insects are often destroyed. If burning is too late e.g. in April, ground nesting birds can be adversely effected. It's not just heather that is destroyed in these areas, but

much of the rich flora in these upland areas is systematically destroyed by muirburn - e.g. tree seedlings, and fungi.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

However the premises behind permitting muirburn under licence are largely false or unnecessary.

- Muirburn should not be permitted for the frivolous purpose of enhancing populations of moorland 'game'.

- Muirburn does not enhance or restore the natural environment - by definition it is a man management - and almost always has the opposite effect to enhancing or restoring the environment. E.g. systematic muirburn stops all natural regeneration of trees and woodland with there associated natural biodiversity

Licence fees should full recover all monitoring and administrative costs.

Breaking of a muirburn licence should have a clear negative effect on ability to hold a grouse moor licence.

I agree with no muirburning on peat, but 40cm as a maximum limit is too high and should be reduced to at the most 30cm. It would be better to stop all muirburn on any depth of peat.

# Cairnsmore Syndicate

Small shooting syndicate of like minded country people enjoying shooting and conservation in Dumfries and Galloway

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

If used properly and as recommended by both the BASC and SGA non targeted species would not be caught all traps etc have to be checked at least once every 24 hours.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

There is already sufficient advice, regulations, training and licensing covering all available legal trapping methods.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

As stated already enough licensing available.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Any grouse moor manager will do all that it takes to preserve the moor for Red Grouse productivity and other wild life and flora and fauna on his moor.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

Naturescot are a worthwhile organisation but do not need to be involved in managed grouse moors

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

We already have properly trained Police Scotland personnel to carry out this work the SSPCA are a civil animal charity and should not have regulatory powers, this would only create animosity and take away from Police Scotland's authority.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Muirburn is beneficial to all moorland life and is completed by trained personnel who have a definite plan, the area to be burned is plotted and controlled and seldom do these planned burns get out of hand.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

For reasons as stated in sections 9-19

# **Caledonian Wildlife Management Ltd**

We manage Wildlife on approximately 20,000 acres in mid Argyll

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

I haven't used them and I don't know enough about their use to have a view

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

I think the present system is good enough and we don't need any further restrictions.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Voluntary good practice works better than unnecessary licensing.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Regulation will jeopardise investment in moorland conservation and rural employment

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

The police are best placed to enforce the law.

The SPCA are not impartial.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

I think the current system is appropriate.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

Voluntary training of moorland management will work better than licensing



# Cats Protection

Cats Protection, the UK's largest feline welfare charity, has a Scottish network of 24 volunteer-run branches, two adoption centres, and seven charity shops which also offer advice on cat care. In 2022, the charity rehomed 2,500 cats in Scotland and helped to neuter 11,100 cats and microchip 4,400 cats.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Cats Protection welcomes proposals to ban the use and purchase of glue traps. Glue traps are inhumane and cruel regardless of whether they capture target or non-target animals. Glue traps can cause agonising injuries to cats and other domestic and wild animals. Because of their free-roaming nature, cats are particularly likely to step into and become trapped in a glue trap. Cats not only suffer horrible injuries from being caught in a glue trap but a long, painful death if they do not manage to get free, or are trapped and not discovered. Cats Protection believes a ban on glue traps is the only way to prevent them causing unnecessary suffering to cats and other animals.

The charity supports the proposed criminal offences for a person who buys as well as uses a glue trap in Scotland. This could help deter people from buying glue traps elsewhere such as in England and using them here in Scotland.

Cats Protection also supports the forfeiture and disposal of glue traps belonging to any person that is convicted of an offence involving glue traps. This will reduce the likelihood of a person using a glue trap in the future and reduce the number of available glue traps in Scotland.

There are also alternatives available such as natural repellents. Any alternative traps should be humane traps which animals can be released from.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Don't know

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Don't know

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Don't know

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Don't know

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Don't know

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Don't know

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Don't know

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

# Cheshire Hawking Club

Falconry Club

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

However must be used for rodents only

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Existing legislation adequately regulates traps across the uk

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

It would be impractical and bureaucratic to manage . Existing uk legislation already ensures traps are used properly, humanely, visited frequently and must not catch unintended or protected species.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Grouse Shooting is a key income stream for the Scottish rural economy and protects song birds and waders

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

See Q 4

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Don't know

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Depends what powers and who they work with and how

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

See related answers above

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

See related answers above

## Common Weal

Common Weal is a people-powered think and do tank in Scotland. We develop policy on and campaign for social and economic equality, for wellbeing and the environment, for quality of life, for peace and justice.

We seek to promote thinking, practice and campaigning on a wide range of social, economic and cultural areas. Some of our biggest issues are social and economic equality, participative democracy, environmental sustainability, wellbeing, quality of life, peace, justice and cooperation on the left of the political spectrum. We are not affiliated to any political party but work in partnership with a wide range of organisations.

Common Weal is Glasgow-based but many of our staff - including all of our senior staff - are based in rural Scotland and will be intimately surrounded by the impacts of this proposed legislation (as we are the current lack of it).

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Glue traps are needlessly cruel and it is a good use of this Bill to ban them.

As Common Weal stated in our response to the 2022 Wildlife Management consultation we would resist efforts to apply a transition period. The two year period proposed in that consultation is too long. There is no reason that the ban cannot take effect from the moment that appropriate legislation comes into force. The period between legislation being introduced to Parliament and its passing should be considered sufficient notice of transition.

We also object in principle to the idea that traps should be sold in Scotland for use outwith Scotland as this still means that Scotland will be endorsing and encouraging people to profit from use of products that are illegal within Scotland and which cause needless cruelty to animals.

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Grouse shooting is surrounded by a circle of destruction in which hundreds of thousands of animals die so more grouse can be shot by a few people for sport. Grouse moors are also a metaphor for land reform in Scotland and do not represent the international image of 21st Century Scotland and its love of animals.

While regulation of wildlife traps is being looked at, as a Wildlife Management Bill this is the time to look at the ethics of killing wildlife so more wildlife can be killed for sport. Wildlife trapping should never be allowed for this purpose.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

We say yes with a major caveat. Putting all relevant traps under a national licencing scheme is important but to reiterate, licences should never be given for the purpose of increasing grouse numbers for a few people to shoot more grouse, pheasant or any wild animal for sport. This would be deeply unethical.

As part of obtaining an ethical trapping licence, all wildlife killings should be recorded. Moreover, the bill should be more specific about animal welfare considerations while snares should be completely banned (due to their cruel and indiscriminate nature).

We reiterate to our response to the 2022 consultation for a more complete answer to the technical aspects of this question including that training should be refreshed or recertified not longer than every five years and whenever land management plans or intended land use is changed.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

To manage huge swathes of Scotland for the purpose of this archaic blood sport is unjust and holds back the nation's potential to diversify towards better land uses. Grouse moors are a metaphor for land reform issues in Scotland in which very few people, use a lot of land particularly badly. Driven grouse shooting should end to make way for better land uses and this should be seen as part of the parliament's land reform agenda.

To explain the economic potential of moving away from grouse shooting, alongside land reform we have submitted the following report: Work the Land (the jobs opportunities of grouse and land reform): <https://revive.scot/wp-content/uploads/work-the-land.pdf>

This Bill may not in its intent be aiming to end driven grouse shooting but it should be strengthened as to make it an inevitability.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

We say yes with some key caveats and additional points:

It should be fully funded by full cost recover as soon as possible to avoid the public paying for the administration or monitoring of the licences. Moreover, the number of grouse shot should be recorded as the condition of the licence.

The mass chemical medication of grouse should end as part of the licence scheme as a priority as its only purpose is increasing grouse numbers for sport shooting. We should not jump through hoops to allow this archaic blood sport to continue.

We also call for provisions that ensure that this legislation is not circumnavigated by estates changing the species being shot for sport (such as Pheasants or Red Legged Partridges).

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

The addition of their professional expertise in enforcing wildlife crime would assist Police Scotland and NatureScot in reducing wildlife crime in the future. However, they must be adequately resourced to be able to perform these investigations. As noted above, full cost recovery should be considered part of the penalty for any breach of regulations or licencing.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The mass burning of Scotland's land damages vital our peat reserves, keeps much of our land from becoming more biodiverse and is often done for the sole purpose of increasing grouse numbers for sport shooting. We support the Scottish Government's proposal to licence all grouse shooting but a licence should never be given when the purpose is increasing grouse numbers for sport shooting.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? -  
Please provide your reasons for your answer in the box provided.**

We say yes with some key caveats and additional points:

No peat should ever be burned on of any depth in a time of climate crisis and a 40cm peat depth is a compromise too far. The Deer Management Working Group concluded that muirburn should not take place for deer management purposes and it would be unjust as well as environmentally unconscionable to allow it for the purpose of increasing grouse numbers for sport shooting. A licence should not be given for this purpose. Even if there are alternative and justifiable purposes for doing so, there should be a general presumption against it.



# Cour Ltd

Livestock Hill Farm

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Operators of wildlife traps already operate to high professional standards, with many practitioners undertaking training on a voluntary basis.

There is no evidence that additional regulation on the use of wildlife traps is necessary. It would be possible to maximise adherence to best practice and reduce the probability of non-target catch through the provision of training alone.

It should be an offence to tamper with, interfere or sabotage a wildlife trap. The penalties for this should reflect those relating to the use of spring traps in section 5 of the Bill.

Legislation of every aspect of farming is becoming unworkable as it is becoming impossible to carry out practices that are necessary for the protection of livestock.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Unique Licence Numbers:

The proposal to subject wildlife traps that kill instantaneously to unique licence numbers is disproportionate and likely to result in unintended consequences. Unique licence numbers should only be applied to live capture traps where there are heightened animal welfare considerations.

Interference with unique licence numbers by parties with vexatious agendas is a cause for real concern and is the obvious way of sabotaging a licence holder. Provision must be made

to made to make tampering, interfering and sabotaging a wildlife trap an offence with penalties reflecting those in section 5 of the Bill.

#### Modification, Suspension and Revocation:

It would be disproportionate and unreasonable to modify, suspend or revoke a licence for any crime other than those relating to the use of wildlife traps. It would be unfair and illogical to impose penalties under a trap licensing scheme for alleged offences that have no connection to the use of wildlife traps.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

#### Application:

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless there is proof beyond reasonable doubt that an offence in relation to the use of wildlife traps had been committed.

#### **Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

#### **Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

On a livestock farm, shooting takes place for domestic consumption and small numbers of grouse are naturally present on our land, but there is no commercial shooting. In our circumstances, why should grouse be singled out from any other animal that can be taken for food?

The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. It is wrong that grouse moor owners and occupiers are being singled out for a punitive civil sanctioning regime against that background.

There are already robust measures in place to deter and punish the persecution of raptors in Scotland.

These include recently strengthened criminal penalties (including unlimited fines and lengthy prison sentences), the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

If licensing is introduced, it would be completely disproportionate, unreasonable and discriminatory for NatureScot to interfere with the right to shoot grouse for any reason other

than robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The licensing scheme is unworkable on a practical level and unfairly singles out grouse moor operators for punitive civil sanctions without justification. It also impacts farms where grouse are present and taken in small numbers for domestic consumption, but no large scale commercial shooting takes place.

**Application:**

The right to shoot grouse should only be interfered with if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

The Bill gives NatureScot the discretionary power to grant or refuse licences on the basis of its perception of “appropriateness”. This is a very broad test that could result in licences being refused for any number of reasons. It cannot be right that licences are refused on lower grounds than suspension or revocation. NatureScot’s licensing team is already overburdened. The discretionary application procedure proposed is likely to result in inordinate delays.

**The Licence Period:**

The Bill says licenses may only be granted for a maximum period of 12 months. Businesses will therefore not know from one year to the next whether they are able to operate. This uncertainty will severely inhibit their ability to plan for the future, take on employees and invest in rural Scotland.

This will, in turn, disincentivise grouse shooting and moorland management more broadly, which will have adverse downstream consequences for the economy and the environment. Grouse moor management is a long-term investment and the licence duration should reflect this reality

**Modification:**

The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing against the license holder or person managing the land. That is unfair, disproportionate and will create uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

## Suspension and Revocation:

The consequences of licence suspension or revocation would be devastating for the grouse rightsholder, their employees and the wider community. Jobs, homes and businesses would be lost. It would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or guidance contained in a code of practice).

The only trigger for any adverse licensing decision (be it refusal, modification, suspension or revocation) should be robust evidence that proves raptor crime had been committed on the estate by a relevant person beyond reasonable doubt.

The broad definition of relevant offences is discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.

On a one-year licensing system, the difference between suspension and revocation is academic. It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that raptor persecution had been committed by a relevant person beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

Overall, the licensing scheme is discriminatory because it will result in people with the right to shoot grouse being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management and without criminal wrongdoing being proved beyond reasonable doubt.

### **Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

### **Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Affording charities statutory powers to investigate any crime sets a dangerous precedent. There would be a deficit of accountability and oversight of their work.

Scottish SPCA staff are not vetted nor trained to the same standard as police officers, which could potentially compromise wildlife crime investigations.

Scottish SPCA staff are overt in their expression of partial views (including around legal land management tools and countryside activities) which could lead to investigations being tainted by bias.

The partial views of the Scottish SPCA in relation to legal land management tools and countryside activities has resulted in an erosion of trust and confidence in the charity among many landowners and land managers.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. Additional regulation has the capacity to detract from these important benefits.

This legislation targets grouse moor managers but impacts livestock farms who also need to manage vegetation.

Muirburn is conducted with absolute professionalism and in accordance with best practice by the vast majority of land managers. The provision of training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

The definition of peatland is arbitrary and illogical. There is no science to support the introduction of greater controls on burning where there is peat deeper than 40cm.

The licensing system puts the onus of determining whether the land is peatland or not peatland on the licence applicant, despite the policy memorandum acknowledging that Scotland does not currently have soil mapping data for peat with a depth of 40cm.

NatureScot's recent review of the evidence on muirburn confirmed that the only way to measure peat is to use a peat probe. Peat depth can be highly variable across a small area, meaning it will be impossible for an applicant to determine, with absolute certainty, whether the land to which the licence relates is peatland (defined as peat deeper than 40cm) or not peatland.

Probing every inch of ground is practically impossible and would be damaging to the peat. This approach to licensing could result in responsible people inadvertently breaking the law. It also makes the law difficult for NatureScot to enforce in practice. This lack of certainty makes the licensing system unworkable.

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.

It would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control lead to worse outcomes, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in summer months, producing ideal tinder for smouldering and wildfire ignition. This is counterintuitive to the stated licensable purpose.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

# Dalgetty Pest Control

Pest Control Company

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

- Operators of wildlife traps already operate to high professional standards, with many practitioners undertaking training on a voluntary basis.
- There is no evidence that additional regulation on the use of wildlife traps is necessary. It would be possible to maximise adherence to best practice and reduce the probability of non-target catch through the provision of training alone.
- It should be an offence to tamper with, interfere or sabotage a wildlife trap. The penalties for this should reflect those relating to the use of spring traps in section 5 of the Bill. The absence of this provision from the Bill, despite repeated representations by land managers and representative organisations, is disappointing.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Unique Licence Numbers:

- It is disproportionate and unreasonable to subject wildlife traps that kill instantaneously to unique licence numbers. Unique licence numbers should only be applied to live capture traps where there are heightened animal welfare considerations.
- Interference with unique licence numbers by parties with vexatious agendas is a cause for real concern and is the obvious way of sabotaging a licence holder. Provision must be made to make tampering, interfering and sabotaging a wildlife trap an offence.

Modification, Suspension and Revocation:

- It would be disproportionate and unreasonable to modify, suspend or revoke a licence for any crime other than those relating to the use of wildlife traps – it would be unfair and illogical to impose penalties under a trap licensing scheme for alleged offences cannot be that have no connection to the use of wildlife traps.

- It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation – NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

Application:

- It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest an offence in relation to the use of wildlife traps had taken place beyond reasonable doubt.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

- There are already robust measures in place to deter and punish the persecution of raptors in Scotland. These include recently strengthened criminal penalties, the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

- The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. This calls into question the need for an additional civil sanction.

- It would be completely disproportionate, unreasonable and discriminatory to suspend or revoke a licence to shoot grouse on the basis of any crime other than the illegal persecution of raptors.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

Modification, Suspension and Revocation:

- The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing against the license holder or person managing the



land. That is unfair, disproportionate and will create uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence beyond reasonable doubt of the relevant person committing a raptor crime.

- The consequences of licence suspension or revocation are huge for the rightsholder, their employees and the wider community. Jobs, homes and businesses would be lost. It would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or best practice guidance contained in a code of practice). The only trigger for suspension or revocation should be robust evidence that the relevant person has committed raptor crime. The definition of relevant offences is broad and discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.
- On a one-year licensing system, the difference between suspension and revocation is academic. It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation – NatureScot should have to be satisfied that raptor persecution had been committed. Police investigations can easily be triggered by malicious or vexatious allegations.
- Overall, the licensing scheme is discriminatory because it will result in people with the right to shoot grouse being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management without criminal wrongdoing being proved beyond reasonable doubt.

Application:

- It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. 'Appropriateness' is a very broad test that could result in licences being refused for any number of reasons. It could also result in licences being refused for reasons that could not justify licence suspension or revocation.
- Licences should last in perpetuity. It would be disproportionate, unreasonable and unworkable to renew licences annually. Grouse moor management is a long-term investment and the licence duration should reflect this reality.
- Annual renewals, combined with the appropriateness test, would provide no certainty to businesses and severely inhibit their ability to plan for the future, disincentivising grouse shooting and moorland management.
- NatureScot's licensing team is already overburdened, which results in delay.
- The one-year licence period weakens the protective effect of the appeal rights to the Sheriff Court.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

- Affording charities statutory powers to investigate any crime sets a dangerous precedent. There would be a deficit of accountability and oversight of their work.
- Scottish SPCA staff are not vetted nor trained to the same standard as the police officers, which could potentially compromise wildlife crime investigations.
- Scottish SPCA staff are overt in their expression of partial views (including around legal land management tools and countryside activities) which could lead to investigations being tainted by bias.
- The partial views of the Scottish SPCA in relation to legal land management tools and countryside activities has resulted in an erosion of trust and confidence in the charity among many land managers.
- Social media indicates that the Scottish SPCA are an active lobbying organisation, which could lead to investigations being tainted by bias. Concerningly, the Lobbying Register appears to contain a largely incomplete reflection of the Scottish SPCA's lobbying activities.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

- The latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. Additional regulation has the capacity to detract from these important benefits.
- Muirburn is conducted with absolute professionalism and in accordance with the muirburn code by the vast majority of grouse moor managers. The provision of training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

- The definition of peatland is arbitrary and illogical. There is no science to support the introduction of greater controls on burning where there is peat deeper than 40cm.

- The licensing system puts the onus of determining whether the land is peatland or not peatland on the licence applicant, despite the policy memorandum acknowledging that Scotland does not currently have soil mapping data for peat with a depth of 40cm.
- NatureScot's recent review of the evidence on muirburn confirmed that the only way to measure peat is to use a peat probe. Peat depth can be highly variable across a small area, meaning it will be impossible for an applicant to determine, with absolute certainty, whether the land to which the licence relates is peatland (defined as peat is deeper than 40cm) or not peatland.
- Probing every inch of ground is practically impossible and would be damaging to the peat. This approach to licensing could result in responsible people inadvertently breaking the law. It also makes the law difficult for NatureScot to enforce in practice. This lack of certainty makes the licensing system unworkable.
- It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.
- It would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control lead to worse outcomes, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in summer months, producing ideal tinder for smouldering and wildfire ignition. This is counterintuitive.
- It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation – NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

## Dalhousie Estates

The Dalhousie Estates have been in the ownership of the Earls of Dalhousie for almost 250 years, comprising land holdings at Brechin Castle, Edzell and Invermark, all in Angus, and covering over 50,000 acres. Dalhousie Estates is a family business providing employment for over 70 staff, many of whom live on the Estate; also supporting many local businesses and suppliers. The wide range of business activities includes the traditional land uses associated with many rural estate enterprises – farming, forestry, property letting, shooting, fishing and deer stalking. Over the years a number of new enterprises have been developed. In particular a garden centre, restaurant and visitor attraction has been established on a 65 acre site at Brechin Castle Garden Centre. We support local equestrian business, offer allotments to the public at Brechin, and try to support schools, charities and individuals within the community where we can. At Invermark, diversified activities include four hydro electric power stations, self catering accommodation.

We work closely with the Cairngorm National Park, in welcoming and managing the public who take access to the mountains and walks from the end of the public road in Glen Esk. We have undertaken over 200 hectares of peatland restoration at Invermark, and are working closely with Scottish Water, the Esk Rivers Fishery Trust and others to deliver enhanced catchment land use planning at the headwaters of the River North Esk, driven by both net zero and biodiversity considerations.

Our estate objectives embrace sustainability at all levels; environmentally, economically and socially.

Where this consultation focuses on grouse moor management at Invermark, the relevance to wildlife management is important to the wider estate.

The grouse moor at Invermark Estate enjoys a reputation second to few among Scottish moors. The Estate extends to 50,000 acres in total and, depending on conditions, has enough lines of butts to support 8 different days, shooting. Many of the Invermark drives are well known and rated as of the highest quality by grouse enthusiasts.

Shooting is let, by the week, to groups who are accommodated at Invermark Lodge. The shooting is normally for 8 guns, shooting double guns with loaders. Some walking is required to get to many of the lines of butts and the shooting is suitable for all age groups. Novice guns are welcomed and receive careful guidance from experienced loaders and helpers. We can also offer walked up days for grouse and shooting over pointers.

We employ 7 full time keepers with full responsibility for wildlife management at Invermark, with a wage roll of some £230k. Seasonally, dependent upon grouse success, we will employ another 30-35 staff (or more) to support the keeping team. Additionally, we will have seasonal staff for the provision of catered accommodation for guests.

The business is therefore run at significant scale.

The business has made a loss for the past several years, with the downturn in grouse prospects, running at an annual loss of -£250-£300k. In employing the staff we deliver wildlife management at scale, for both grouse and deer. We receive agricultural support for Invermark, but this does not underpin these wildlife activities, as can be demonstrated by the losses.

We consider our responsibilities in terms of the rural community at Invermark and in Glen Esk as hugely important, and know that our staffing bolsters employment and social

structure here, not to mention the benefit their working practices has on biodiversity and wildlife. These proposals therefore pose significant vulnerability to a large part of our business, and this response is intended to highlight our concerns and the justification for those.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

I believe the proposed legislation is required in the interests of protection of welfare of rodents and wildlife.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

I have said that I do not believe additional regulation is required in the use of certain wildlife trapping.

There are two reasons;

1. We already have a highly regulated system of trapping and measures to safeguard wildlife influenced by trapping methods, together with varying means by which penalties may be applied as a consequence of illegality, which is underpinned and delivered through training. Much of this training is done voluntarily, but the industry widely accepts that this is best practice, and a must have for staff. We advocate high professional standards for staff involved in the trapping of wildlife. Good practitioner training is a very effective deterrent to these concerns, where staff can understand and work to mitigate the probability of non-target catch, making staff accountable for their actions and working practices.

2. Against a proposal to increase regulation, it remains wholly disproportionate that on the flip side of the coin, it is NOT an offence to tamper with, interfere or sabotage a wildlife trap. Such activities (and many go unreported) undermine the effort that goes into good practice, training and diligence outlined above. They are acts of vandalism, that cost the operator time and money. The penalties for this should reflect the spring traps penalties in section 5 of the Bill. I am really disappointed that interference, tampering and sabotage of traps has not been made a standalone offence in the introduced Bill. Any regulation should serve both the activity it is trying to encourage, as much as the converse of the situation, where purposeful sabotage and interference should not be acceptable and similarly carry a penalty. If this kind of activity inhibits our ability to practice legalised methods of control then it is only accountable that such behaviour be an recognised offence.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

I have stated that I do not agree with the proposed licensing system for the use of certain traps for the following reasons and concerns;

Unique Licence Numbers: I think it would be disproportionate and unreasonable to subject wildlife traps that kill instantly, to carry unique licence numbers. Unique licence numbers should only be applied to live capture traps where there are obvious animal welfare considerations. Kill traps are deployed far more extensively, which would substantially increase administrative burdens for the licence holder and the estate.

I am extremely concerned about the vulnerability of employees, to potential interference with unique licence numbers by those with opposing agenda's, often who do not appreciate the benefits trapping and control methods have for wider wildlife species, or the practices being followed for legitimate reasons. It would be a very obvious, discrete and hard to prove means of sabotage to wildlife and keepering staff, potentially putting employment at risk. For regulation to be fully accountable, the converse should also be true, and it must be an offence to tamper, interfere or sabotage a wildlife trap, with the penalties reflecting those in section 5. Provision must be made to make tampering, interfering and sabotaging a wildlife trap an offence.

I am not sure what licensing would achieve, and given the administrative burden and resource needed, again I feel this is disproportionate to the need and justification for such a system. To a large degree, most of what is proposed is already being done; training, best practice in the use of traps. To add the burden of resource to serve a licence numbering system is not justified.

Modification, Suspension and Revocation:

The real risk with these proposals, is the ability for penalties to be applied for offences which are NOT related in any way to wildlife trapping practices.

I think it would be disproportionate, unreasonable and unfair to impose penalties under a trap licensing scheme for alleged offences that have no connection to the use of wildlife traps.

This poses immense risk to the estate business; the perpetrators of wildlife crime are ALL those who live and share that environment - other workers, industries, visitors etc, and that includes builders, agricultural contractors, etc etc.

I think it would be disproportionate, unreasonable and unfair to suspend a licence because of the initiation of a police investigation for instance.

NatureScot would HAVE TO first be satisfied that an offence in relation to the use of wildlife

traps had been committed beyond reasonable doubt.

Police investigations can easily be triggered by a malicious allegation from someone with an opposing agenda; against a backdrop of legislation that does not penalise this malicious activity.

Why cease the ability for wildlife managers/keepers to trap on the basis of what regulation is permitting to be credible activity?

Withdrawing the ability for the practitioner to go about legal working methods puts both he or she at risk for their sustained employment, as well as all the wildlife that actually benefits from this practice (and many of which are red listed species). The proposals do not allow for any safeguard from sabotage or vexatious activity.

Application:

I think it would be disproportionate, unreasonable and unfair to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest an offence in relation to the use of wildlife traps had taken place beyond reasonable doubt. Those are very clear parameters for the industry to work with.

The vagueness of the appropriateness test as proposed does not give me confidence that NatureScot would grant me a licence on which our business depends.

It is very important to recognise that the qualifications a member of staff holds are increasingly the tools of the trade. Every bit like a shotgun or firearm licence for the control of deer etc, a licence in this respect would be the same. These are pre-requisites of their role, and if a licence is refused, suspended or revoked it will have detrimental effects upon the ability for that member of staff to hold their position. This seems a very heavy penalty to pay, and will deter people from entering this industry, at a time when there is immense need for new nature based employees and skills. I have witnessed at least two wildlife/keeping staff leave in the last 18 months to 2 years, due to how they see impending risk to their traditional roles. It could have the impact of making people leave their existing roles due to the risks they perceive in the industry from sabotage or malicious treatment. It is hard to maintain staff confidence and morale against this backdrop of increasing regulation and risk to their chosen career.

Please also be mindful that these employees serve a much wider role within rural communities; they run clubs, they help the elderly when there is storm or tempest, they help inform the public when they visit the countryside for their own well being, they search for the lost, they watch and monitor wildlife better than most; they act as guardians to that environment. Any regulatory risk to their career and role in that environment bears heavy both socially and economically on an already vulnerable rural community, tested by resilience on many fronts.

If a licence was refused / suspended / revoked, the legitimate practices of predator and vermin control will cease; and vulnerable wildlife will be impacted. This would be worse at different times of year - breeding, nesting, etc. The regulations, penalties and risk seem disproportionate to the role that wildlife control and management plays in supporting the survival of many species. We pride ourselves in the diversity of bird species on our grouse

moor, many of which would not be in such abundance if means of vermin and predator control were lost. We monitor bird populations, trap effectiveness, quarry species and trapping results, and understand the value of these legitimate practices. To have this ability removed on the whim of what could be a wholly unassociated undeterminable wildlife crime presents immense risk to our working community, economics, social structure, and people and wildlife alike.

Safe in the knowledge our keeping/wildlife team have responded to this consultation, I will hope that they have provided anecdotal evidence of tampering with traps. But as someone who has worked on numerous rural estates over the last 20+ years, I am no stranger to staff reports of various interference, by the public to wildlife traps. This is commonplace, and so often unreported due to fear of reprisal/media/personal well being.

A bespoke offence for this kind of activity is only just and fair in the face of increased legislation - together with an education for the wider public on what we do, why we do it, and why their activities in this sense are detrimental to us all.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

I do not agree that there is a need for additional regulation of land used to shoot red grouse.

I feel that such regulation is unjustified.

The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. It is wrong that grouse moor owners and occupiers are being singled out for a punitive civil sanctioning regime against that background. Sporting rights are a proprietary right, for the shooting of grouse and other species. Licensing is a disproportionate measure for the perceived need to regulate this industry.

There are already robust measures in place to deter and punish the persecution of raptors in Scotland.

These include recently strengthened criminal penalties (including unlimited fines and lengthy prison

sentences), the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

My biggest worry concerns the ability for the regulatory body (to be Nature Scot) to inhibit the right to shoot grouse for any reason other than robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person. In the absence of such clear parameters for the basis of revocation of a licence (only relating specifically to proven raptor crime) the legislation, as proposed is disproportionate, unreasonable and discriminatory, and does not serve the purpose for which it was intended.



I have outlined the vulnerability of the business and operating practices to sabotage; I have pointed out that the perpetrators of wildlife crime are potentially all those who share this environment. It would therefore be wholly unjustified to establish a system that so significantly permitted a business to cease its practices on the whim of anything other than proven wildlife crime by those underpinning that business.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

I do not agree with the proposed licensing scheme for land upon which red grouse are shot.

This only serves to perpetuate single species protection measures in Scotland', without addressing species balance and wider wildlife crime by other industries. No similar proposals exist for other industries, because they have not been subject to the same level of scrutiny, irrespective of level of wildlife crime. That demonstrates that these proposed regulations are disproportionate. They also impinge upon a legal, proprietary right. I saw a farmer disc fields only last week, where there were at least three lapwing nests - most of these people know they are doing what they are doing. If proportionately, it was demonstrated that the degree of species and habitat loss that was incurred as a result of another industry, I believe it would be easily recognisable that these proposals are targeted at an activity, which is ill perceived, and misunderstood. The matter remains unclear as to what is the public interest here and we ought to pause, both to analyse the justification of these proposals proportionately and comparably in a wider context of wildlife crime, as well as analyse the significant resulting effects upon both biodiversity and socio economics that these proposals may have.

In application, the proposals as drafted pose immense business risk. The right to shoot grouse should only be interfered with if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person. The Bill gives NatureScot the discretionary power to grant or refuse licences on the basis of its perception

of "appropriateness". This is a very broad test that could result in licences being refused for any number of reasons. It cannot be right that licences are refused on lower grounds than suspension or revocation. There will be considerable resource needed to operate this system by Nature Scot. The discretionary application procedure proposed is likely to result in inordinate delays. The mechanics of the licensing scheme, as proposed, are therefore weak, and pose an overbearing risk on the business, and considerable vulnerability to malicious activity or other third party behaviour.

With regard to the licence period, then the Bill says licenses may only be granted for a maximum period of 12 months. I feel that a greater degree of certainty is required for each business to have the security to operate; (1) to market and offer sport with associated accommodation and assets upon which we rely to add value and earn income, (2) to offer secure employment prospect to staff, both full time and seasonal, and (3) to have security for the business and be confident in annual income to allow for investment, building confidence in business sustainability. In the absence of such certainty, we would not know from one

year to the next how we could operate. I fear that the most obvious consequence of these proposals will be to disincentivise grouse shooting and moorland management more broadly, which will have adverse downstream consequences for both the biodiversity and wider economy alike. Grouse moor management is a long-term investment and a licence duration should reflect this reality.

The Bill says licences may be modified, and I feel that this requires far greater clarification. I accept that the general licences adapt and change, and update regularly, but modification to move the goal posts more significantly, given potential consequences, is unsuitable and requires clear parameters and measure.

I disagree with the proposed license scheme in that the consequences of licence suspension or revocation would be so significant, and disproportionate to the crime, that it is unjustifiable. The impact would be felt most significantly by the grouse rightsholder, financially/economically, and in terms of the positive impacts their grouse moor management offers wildlife and biodiversity. Beyond that, it would directly affect their employees - socially, economically, and impacting upon what are very fragile rural communities, hugely tested in their resilience, and suffering from lack of services, and investment from the public purse. This seems contrary to the spirit of any other policy ambition I read for rural Scotland, affecting employment, housing and the wider community.

Given the wider impact likely, it would therefore be wholly be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or guidance contained in a code of practice). I will not attempt to quote the benefits of grouse shooting to our economy in Scotland, as this is well documented, but given our own expenditure in this region in Angus, should grouse shooting be curtailed, then there would be many service sector and supply businesses compromised, as well as the fulltime and seasonal staff I have already noted.

The only trigger for any adverse licensing decision (be it refusal, modification, suspension or revocation) should be robust evidence that proves raptor crime had been committed on the estate by a relevant person beyond reasonable doubt. The licence regulations must make that explicit.

The broad definition of relevant offences is discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions. This leaves our industry, business (and those potentially impacted) hugely vulnerable.

On a one-year licensing system, the difference between suspension and revocation is academic. It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that raptor persecution had been committed by a relevant person beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations - and a business can not react practically nor reasonable upon such a time scale.

To conclude, I am very concerned that legislation is being framed in these grouse licensing proposals that is both discriminatory and unjustified in it's purpose;

It does seem that it has been targeted at people (who own and exercise) the right to shoot grouse; an error in itself, without cognisance of those who live and work in this sector, the

wider benefits it brings socio-economically, and environmentally, not to mention the legacy this sport has given our heritage and history in Scotland, our culture, tradition and enjoyment and well being. It seems to demonstrate a class discrimination, which is wholly misplaced, misunderstood and ill-perceived. Within this, I have to question how this meets the public benefit - if indeed that is a valid test in this context.

The penalties proposed are to be felt to a much greater extent than any other sector or industry - this seems to be a clear expression of that discrimination.

The proposals imply penalty for activities that have;

(1) no correlation or connection to grouse moor management and

(2) without criminal wrongdoing being proved beyond reasonable doubt.

That is inequitable, and unjust, and furthermore, only serves to facilitate malicious behaviour and sabotage.

At the same time, nor do proposals serve to hold any tampering or third party activity to account. Surely for any water tight legislation to be workable, this has to change.

Finally, to be clear, licence refusal, suspension or revocation of grouse moor licence for our business would mean a financial loss of minimum £300k per annum (and up to £600/£700k in a good year), and therefore the need to pay off at least 2 full time staff, and seasonal staff decimated. Investment would be curtailed, without any certainty on future income. We would need to continue to employ keeping staff to control deer - for which we get no support, for the public benefit this helps serve. The income we make from grouse would impact upon the role of the keepers, and they may not wish to continue with their job role, if so significantly altered by no grouse shooting activities. If you reduce employment, it affects schools, services, social structures, the resilience of a community, and you remove the people who act as guardians of these places.

Locally, I have already mentioned, the impact upon other businesses, trades and suppliers, for which we spend £200k plus with each year, not to mention the expenditure in the local community from our own guests.

In terms of the environment and biodiversity, then moorland management would cease to a large extent because we would not have staff to provide the degree of work we currently carry out. Consequently we would not be able to underpin the breeding successes of waders, and other birds, which are so highly vulnerable to both ground and aerial predation.

I hope I have therefore made clear the huge vulnerability the business would have to a one-year duration for a licence, and the uncertainty this would introduce.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

I do not agree that this is a suitable proposal; giving charities statutory powers to investigate any crime sets a dangerous precedent. I would not have confidence that the SSPCA are the right body to deliver these responsibilities. I personally do not believe they have the ability in staff skills, knowledge and experience to understand this environment, and thus be responsible for investigating wildlife crime.

At present there is no accountability and oversight of their work; they do not sit in the same space, and I would doubt their familiarity and understanding of our working environment and practices. It would seem perhaps a credible suggestion in terms of resource, but nothing more. Scottish SPCA staff are not vetted or trained to the same standard as police officers, which would potentially compromise wildlife crime investigations.

I feel uncomfortable with the suggestion that the SSPCA be responsible for investigating wildlife crime, given that that Scottish SPCA staff publicly express partial views (often concerning legal land management tools and countryside activities) which could lead to investigations being tainted by bias.

The partial views held by the Scottish SPCA in relation to legal land management tools and countryside activities has contributed to an erosion of my trust and confidence in their ability to investigate impartially.

It simply would not cross my mind, as an experienced land agent, to contact the SSPCA to investigate a wildlife crime, and I have never considered their role anything to do with these matters at any point when I have been dealing with wildlife, for all of the above reasons; they are a charity (and this is not their established role nor field), their lack of skills, knowledge, experience and familiarity within our field, and the opinions and views expressed by them.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

As is now widely recognised, the latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation when compared to cutting vegetation and leaving vegetation unmanaged. I believe that additional regulation has the capacity to detract from these important benefits.

Muirburn is conducted with a level of professionalism, reinforced by training, and in accordance with best practice by the vast majority of grouse moor managers. The provision of training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.

Like many land management measures, any regulation that attempts to regulate muirburn will be faced with the difficulties of 'not one size fits all', brought about by regional variation

and purpose for muirburn. Additional regulation is not the answer here - and responsible agricultural practices may be a better avenue for delivery.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

I have seen no scientific evidence to support the introduction of greater controls on burning where there is peat deeper than 40cm.

In addition, there is no evidence to suggest that muirburn is harmful on peat deeper than 40cm.

The Peatland ES-UK study demonstrates how beneficial muirburn can be for peatland ecosystems, regardless of peat depth.

The licensing system puts the onus on people like me to determine where the land is peatland or not peatland, and this would seem an impossibility. There are no peatland maps denoting where the peat is 40cm in depth, meaning the only available option is to use a peat probe. Even then, the variability of peat depth across small areas means that every square inch of the land would need to be probed – which is not practical and would actually damage peat. The licensing scheme provides no certainty and is unworkable/impracticable.

Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.

I think it would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control are not as effective as muirburn, especially for purposes relating to preventing or reducing the risk of wildfire.

I think it would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations, and I have outlined the vulnerability of our business to these on several fronts within this response.

If the estate's licence to make muirburn was refused / suspended / revoked, there would be a detrimental effect on the Estates ability to conduct muirburn for the purposes of breaking up habitat, encouraging new growth etc., and therefore wildlife will be compromised by potential loss of habitat. The quality of grazing would be impacted.

Bear in mind also the scale of landholding involved here, and therefore the detrimental effects of no muirburn would be vast. The risk of wildfire and fuel load would be greater, for wildlife and the business alike.

The margin of probable error, in burning peat which could be over 40cm deep, is high, given the scale of moorland at Invermark. That does not sit at all practically, against us being able to hold reliable evidence of peat depth across the entire area of the Estate. That is an impossibility, and therefore an invalid suggestion upon which to establish a regulatory system for muirburn licensing.

# **Dinnet & West Tillypronie Syndicate Limited**

Sporting tenant

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

No experience and cannot comment.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Operators of wildlife traps already operate to high professional standards, with many practitioners undertaking training on a voluntary basis.

There is no evidence that additional regulation on the use of wildlife traps is necessary. It would be possible to maximise adherence to best practice and reduce the probability of non-target catch through the provision of training alone.

It should be an offence to tamper with, interfere or sabotage a wildlife trap. The penalties for this should reflect those relating to the use of spring traps in section 5 of the Bill.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Unique Licence Numbers:

The proposal to subject wildlife traps that kill instantaneously to unique licence numbers is disproportionate and likely to result in unintended consequences. Unique licence numbers should only be applied to live capture traps where there are heightened animal welfare considerations.

Interference with unique licence numbers by parties with vexatious agendas is a cause for real concern and is the obvious way of sabotaging a licence holder. Provision must be made to made to make tampering, interfering and sabotaging a wildlife trap an offence with penalties reflecting those in section 5 of the Bill.

#### Modification, Suspension and Revocation:

It would be disproportionate and unreasonable to modify, suspend or revoke a licence for any crime other than those relating to the use of wildlife traps. It would be unfair and illogical to impose penalties under a trap licensing scheme for alleged offences that have no connection to the use of wildlife traps.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

#### Application:

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless there is proof beyond reasonable doubt that an offence in relation to the use of wildlife traps had been committed.

#### **Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

#### **Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. It is wrong that grouse moor owners and occupiers are being singled out for a punitive civil sanctioning regime against that background.

There are already robust measures in place to deter and punish the persecution of raptors in Scotland.

These include recently strengthened criminal penalties (including unlimited fines and lengthy prison sentences), the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

If licensing is introduced, it would be completely disproportionate, unreasonable and discriminatory for NatureScot to interfere with the right to shoot grouse for any reason other than robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

#### **Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No



**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The licensing scheme is unworkable on a practical level and unfairly singles out grouse moor operators for punitive civil sanctions without justification.

Application:

The right to shoot grouse should only be interfered with if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

The Bill gives NatureScot the discretionary power to grant or refuse licences on the basis of its perception of “appropriateness”. This is a very broad test that could result in licences being refused for any number of reasons. It cannot be right that licences are refused on lower grounds than suspension or revocation.

NatureScot’s licensing team is already overburdened. The discretionary application procedure proposed is likely to result in inordinate delays.

The Licence Period:

The Bill says licenses may only be granted for a maximum period of 12 months. Businesses will therefore not know from one year to the next whether they are able to operate. This uncertainty will severely inhibit their ability to plan for the future, take on employees and invest in rural Scotland.

This will, in turn, disincentivise grouse shooting and moorland management more broadly, which will have adverse downstream consequences for the economy and the environment. Grouse moor management is a long-term investment and the licence duration should reflect this reality

Modification:

The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing against the license holder or person managing the land. That is unfair, disproportionate and will create uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

Suspension and Revocation:

The consequences of licence suspension or revocation would be devastating for the grouse rightsholder, their employees and the wider community. Jobs, homes and businesses would be lost. It would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or guidance contained in a code of practice).

The only trigger for any adverse licensing decision (be it refusal, modification, suspension or revocation) should be robust evidence that proves raptor crime had been committed on the estate by a relevant person beyond reasonable doubt.

The broad definition of relevant offences is discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.

On a one-year licensing system, the difference between suspension and revocation is academic. It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that raptor persecution had been committed by a relevant person beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

Overall, the licensing scheme is discriminatory because it will result in people with the right to shoot grouse being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management and without criminal wrongdoing being proved beyond reasonable doubt.

The consequence of a licence refusal, suspension or revocation could mean a reduction in the investment in the property and local economy, which is currently considerable and supports 7 full time employees and their families. In this part of Aberdeenshire, many rural businesses rely on the direct business from farms and estates and a loss of licence will have far reaching implications, which cannot be replicated by other land uses.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Affording charities statutory powers to investigate any crime sets a dangerous precedent. There would be a deficit of accountability and oversight of their work.

Scottish SPCA staff are not vetted nor trained to the same standard as police officers, which could potentially compromise wildlife crime investigations.

Scottish SPCA staff are overt in their expression of partial views (including around legal land management tools and countryside activities) which could lead to investigations being tainted by bias.

The partial views of the Scottish SPCA in relation to legal land management tools and countryside activities has resulted in an erosion of trust and confidence in the charity among many landowners and land managers.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. Additional regulation has the capacity to detract from these important benefits.

Muirburn is conducted with absolute professionalism and in accordance with best practice by the vast majority of grouse moor managers. The provision of training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

The definition of peatland is arbitrary and illogical. There is no science to support the introduction of greater controls on burning where there is peat deeper than 40cm.

The licensing system puts the onus of determining whether the land is peatland or not peatland on the licence applicant, despite the policy memorandum acknowledging that Scotland does not currently have soil mapping data for peat with a depth of 40cm.

NatureScot's recent review of the evidence on muirburn confirmed that the only way to measure peat is to use a peat probe. Peat depth can be highly variable across a small area, meaning it will be impossible for an applicant to determine, with absolute certainty, whether the land to which the licence relates is peatland (defined as peat deeper than 40cm) or not peatland.

Probing every inch of ground is practically impossible and would be damaging to the peat. This approach to licensing could result in responsible people inadvertently breaking the law. It also makes the law difficult for NatureScot to enforce in practice. This lack of certainty makes the licensing system unworkable.

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.

It would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control lead to worse outcomes, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in

summer months, producing ideal tinder for smouldering and wildfire ignition. This is counterintuitive to the stated licensable purpose.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

## **Douglas & Angus Estates**

A privately owned mixed Landed Estate comprising of circa 30,000 acres of in by & moorland let in part to AHA tenants, SLDT tenants and farmed in hand.

The moorland is partly designated as SPA & SSSI and managed for the benefit of sheep and moorland birds.

Historically the moorland was a productive grouse moor, but in recent years the moors have not provided a shoot able surplus; notwithstanding that the moors (Parishholm, Shawhead & Robertson) are actively managed for the benefit of the upland assemblage of moorland birds.

Responsible long-term custodianship of both the land and the local community are our primary objectives, which we strive to achieve irrespective of political interference - something we have done for approaching 1,000 years.

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Legal control of vermin is an essential part of moorland management, without

which the assemblage of upland wildlife (particularly waders & ground nesting birds) will not survive.

Operators of wildlife traps already operate to high professional standards and are highly regulated - best practice is most likely to be successfully achieved by good quality training, rather than further regulation.

It should be an offence to tamper with, interfere or sabotage a wildlife trap - the penalties for this should reflect those relating to the use of spring traps in section 5 of the Bill.

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Unique Licence Numbers are on the whole a good thing, but they can be abused as obvious way of sabotaging a licence holder.

So on balance the proposal to subject wildlife traps that kill instantaneously to unique licence numbers is disproportionate and likely to result in unintended consequences.

Provision must be made to make tampering, interfering and sabotaging a wildlife trap an offence with appropriate penalties.

We cannot protect our precious moorland and their flora & fauna if we victimise those who are responsible for managing and preserving it - abandoning these areas is not the answer.

Unfortunately we live in a world where the vociferous few, who have little knowledge of moorlands or their management, are seeking to dictate what they think (driven by sentiment) is best for Scotland rather than trying to help those who have the difficult job of trying to do it day in and day out in all conditions.

So it would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence - licences should be granted unless there is proof beyond reasonable doubt that an offence in relation to the use of wildlife traps had been committed.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Please see my comments above, but in addition:

Modification, Suspension and Revocation:

It would be disproportionate and unreasonable to modify, suspend or revoke a licence for any crime other than those relating to the use of wildlife traps.

It would be unreasonable to suspend a licence because of the initiation of a police investigation - all parties, both the Police & NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed because Police investigations can easily be triggered by malicious allegations.

Applications:

There should be a presumption that Licences will be granted unless there is absolute proof that an offence in relation to the use of wildlife traps had been committed.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are at historically low levels and it is wrong that grouse moor owners and occupiers are being singled out for a punitive civil sanctioning, when they are the people who maintain our moorland habitats at both huge personal expense and physical effort - these people should be lauded for what they do, not persecuted.

There are already robust measures in place to deter and punish the persecution of raptors in Scotland. These include recently strengthened criminal penalties (including unlimited fines and lengthy prison sentences), the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

Raptor crime should not be tolerated, but the preconceived belief that all gamekeepers & moorland owners are guilty of it must be overcome.

If a shoot is found guilty of raptor crime they should be punished, as is already provided for in legislation; but the majority should not be condemned for the crimes of the few.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

A licensing scheme is an unworkable 'blunt tool' and on a practical level and unfairly singles out grouse moor operators for punitive civil sanctions without any real justification.

The right to shoot grouse should only be interfered with if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed by a relevant person.

The Bill gives NatureScot the discretionary power to grant or refuse licences on the basis of its perception of "appropriateness", this is a very broad test that could result in licences being refused for any number of reasons.

The theme throughout the Bill is one of guilt first and innocence second, which is a fundamental flaw of the society we live in and largely fuelled by the Press and Social Media - we must try to reach a more balanced approach to our problems, than being constantly swayed by the small minorities who shout loudest and we must stop making uninformed political decisions based on knee jerk reactions.

Sound moorland management is a long-term process and cannot be delivered by granting a 12 month licence - the idea is frankly idiotic. I have been managing heather moorland for over 35 years and the benefits of efforts made 25 or 30 years ago are only just beginning to become apparent.

So we must, as for any successful venture, take a long-term view rather than being swept along by voter driven political short-termism.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Affording charities statutory powers to investigate any crime is a hugely dangerous thing to do.

We had a gamekeeper 25 years ago who was pursued and investigated by the SPCA.

As a result of which he came under the scrutiny of the Police and based on flawed evidence was found guilty of drug related offences and served a 6 month gaol sentence - subsequently at Appeal his conviction was overturned, he was found innocent of any wrong doing and completely absolved of any crime.

However, it took 12 years to clear his name and as a result he lost his job, his wife, his home, his family and 12 years of his life - the result of the activities of an untrained Scottish SPCA staff member.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Muirburn is an essential moorland activity, without which more and more moorland will be lost

The latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation or leaving vegetation unmanaged.

Muirburn is already hugely regulated and conducted with absolute professionalism, in accordance with best practice by the vast majority of moorland managers.

Training is more important than further regulation.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**



This is unnecessary and unworkable and there is no scientific evidence to support it - the greatest danger to the survival of our heather moorland is the lack of well managed burning.

Vibrant moorlands are a mosaic of soils, flora & fauna which cannot be managed to a definitive prescription; however, burning is an essential tool particularly over areas of wet peatland.

Cutting heather can be done on dryer areas, but the damage caused to a damp peat rich heather moorland will always be greater from the intervention of heavy mechanical equipment than responsible, well managed burning in the right conditions, at the right time of the year.

The greatest danger to our heather moorlands is the ignorance of those people who are seeking to licence it - the best solution is to provide proper training for all those who have a stake in their long-term survival, whether as moorland owner, gamekeeper, manager, advisor, NatureScot and our Politicians.

## **Drummuir Home Farms**

Organic, in hand farm, with a section of moorland that historically held grouse, black game, capercaillie. These species are now absent apart from a few red grouse. We are obliged under an environmental scheme to burn or swipe an area of moorland each year, and this is an attempt to improve the habitat for ground nesting birds.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

We do not believe that this is necessary for law abiding rural workers.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

We do not believe that this is necessary for law abiding rural workers.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

We do not believe this to be necessary for a law abiding land owner.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

We do not believe this to be necessary or of benefit.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Don't know

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

We are unaware of the current powers that the SSPCA hold and whether more are necessary. However, it would appear from the information provided in this questionnaire, that any increase in powers could be disproportionate.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Muirburn is an essential and encouraged management tool for moorland. It improves habitat for many species (not just game), and any further controls would - we feel - impinge on this benefit.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

We feel that it is unnecessary for any lawful land management practices and would serve as a (political) tool to restrict muirburn.

## **Drynoch & Borline Club**

Small (about six members) group of Skye residents who lease c15,000 acres from Scottish Government. Main purpose is fishing spate river and hill lochs but a few members occasionally try to find a grouse to shoot.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Suspect they are never now used.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Don't know

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Don't know

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The current system, works. Moors are carefully managed and the resulting habitat is species rich, particularly with birds of all sorts.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

Unnecessary bureaucracy for no good reason.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

They are politically driven and an inappropriate body to conduct such investigations.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

On grouse moors it is well controlled voluntarily. On other areas the existing regulations are largely ignored. Additional regulation will do nothing to improve that situation.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

Unnecessary and very time consuming for those enforcing it.

## **Dunecht Estates**

Dunecht Estates is a diverse rural business operating on land across six different landholdings in Aberdeenshire. Business interests include farming, forestry, field sports, residential property, commercial property, minerals and tourism. The business, with a full time staff of 55 employees, is managed by a professional team based in the Estates Office in the village of Dunecht.

Dunecht has grouse moors at Edinglassie in Strathdon, Forest of Birse in Finzean and the Hill of Fare, Dunecht.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

We do not believe that there's strong evidence supporting a case for introducing additional legislation regarding the use of wildlife traps. Wildlife trapping is already highly regulated and many operators are already trained in the correct use of traps. This training, setting out best practice, considerably reduces the chances of non target species being caught.

The introduction of new legislation as proposed without strong evidence will result in a further administrative burden leading to increased cost. This has the potential to see trapping effort reduced if Land Managers chose to consider the burden too great. Such action will have negative consequences for game birds and also other ground nesting birds including black grouse, curlew and lapwing. Given the 'nature emergency' the potential implications for all wildlife should be assessed before introducing new legislative measures.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

We do not agree that the measures in the Bill are proportionate and necessary. The requirement to employ unique licence numbers should only be applicable to live capture traps, as currently, where there are greater welfare considerations.

We highlight that the use of unique licence numbers has the potential to expose the operator to unmerited investigation where the licence number has been tampered with by a party who disagrees with the use of wildlife traps. This concern is exacerbated by virtue of the fact that the Bill is silent on offences relating to any party who intentionally tampers with or damages a trap.

We disagree with the provision in the Bill which allows for the introduction of charges for any licences granted. We note and concur with the statement in the Policy Memorandum which identifies that in the majority of occasions when licences are granted for the purposes of wildlife management their issue reflects a need to act in the public interest. We contend that well managed wildlife trapping delivers a wide range of public benefits including the support of rural jobs, culture as well as environmental gain.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

We are strongly opposed to the introduction of additional regulation relating to the use of land for grouse shooting. We highlight that the introduction of further regulation has the prospect of seeing grouse shooting disappear from the Scottish uplands and the economic, environmental, cultural and social benefits it delivers in fragile rural areas being lost.

We note that there is concern over raptor persecution associated with grouse shooting but the official statistics show that such crime in relation to grouse moor management is at a historically low level. The Scottish Government has already introduced robust measures to deter persecution, with these measures punishing perpetrators and potentially their employers too, including vicarious liability and recently strengthened criminal penalties.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

We contend that the proposed licensing scheme lacks practical application and unfairly targets grouse shooting. The Bill provides that licences will be granted for one year at a time. This fails to recognise that grouse shooting is a land use that requires very significant commitment, long term planning and considerable investment, not least in relation to compliance with existing regulation which this Bill now proposes to extend. We also highlight that there seems no justification for limiting the licence period to one year when the Bill also contains provisions in relation to the suspension or revocation of a licence. We suggest that licences are renewable on a 10 year basis thus giving a sufficient degree of certainty, allowing for proper planning, facilitating ongoing investment and resulting in grouse shooting continuing to deliver widely recognised benefits in upland areas. Such an approach appears preferable while also limiting the burden and financial cost on the licensing authority.

We highlight that the Bill lacks clarity in relation to the modification of a licence, containing provision allowing a licence to be modified at any time. A licensee is therefore, for example, exposed to the area over which the licence is granted being significantly reduced. The grounds on which a licence may be modified are however unclear and we argue that a licence should, along with any suspension and revocation, only be capable of being modified when it has been established beyond reasonable doubt that a crime involving a raptor has occurred. The Bill, of course, proposes that the regulatory authority will have the ability to suspend or revoke a licence in situations whereby it believes that a code of practice relating to grouse moor management has been breached. We contend that such a provision goes too far bearing in mind the objectives of the Bill and singles out grouse shooting. Furthermore we contend that if compliance with a code of practice is to be incorporated as a requirement then that code of practice should be included in the legislation and subjected to full parliamentary scrutiny.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

We believe that the work of the SSPCA taskforce should be allowed to run its course and its report carefully considered before any legislation proposing new powers is introduced. Any legislation relating to new powers should be subjected to full parliamentary scrutiny ie the Stage 1, 2 and 3 process.

As a general rule we believe that it should be the duty of the police to investigate wildlife crimes. There is the danger that officers employed by a charitable organisation are less than fully impartial and pursue cases which otherwise might not have been taken forward, causing unnecessary and unwanted alarm and upset among those subject to the investigation.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

We highlight that the very latest scientific evidence suggests that muirburn is delivering multiple benefits, in the shape of peatland carbon balances, water tables, methane reduction and wildfire mitigation and overall better outcomes in comparison with cutting or leaving habitats unmanaged. This evidence needs to be fully recognised and understood before embarking on introducing new legislation that may do harm rather than good.

Muirburn carried out in association with grouse management is conducted by teams of professional and often highly trained staff, employing the latest techniques and with the assistance of the latest in fire management and control equipment. Fundamentally, it is in the interests of grouse moor managers to exercise muirburn diligently with fires under



control. Controlled burning that gets out of control is detrimental to the grouse shooting interest.

Also, muirburn practiced in association with grouse shooting has delivered Scotland's iconic 'purple clad hills', an internationally scarce habitat with the UK containing 75% of the world's remaining heather moorland.

Vast areas of heather moorland on grouse moors are subject to environmental designation (eg SSSI and SAC) for their flora and fauna and every effort should be made to ensure that these habitats and the wildlife that support them are not lost because muirburn can no longer be undertaken.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

We note that there is no science to support greater control over muirburn carried out on land defined as peatland ie land where the soil has a layer of peat with a thickness of more than 40cm. The Bill requires the licence applicant to determine whether the land is peatland or not and we question this responsibility when no guidance is provided (do you peat probe based on a 100m grid or 10m grid) and as acknowledged in the Policy Memorandum there's no soil mapping data currently available that provides information on peatland where the depth is greater than 40cm. Unhelpfully the Bill only states that the proposed muirburn code 'may' include provision on how the layer of peat will be established.

We highlight that the Bill provides that a licence to burn on peatland will only be granted when there is no other method of vegetation control available. The only practical alternative is cutting but that necessarily involves heavy machinery and there's every prospect of that machinery breaking through the surface and exposing the peat layer, resulting in the release of carbon. Additionally cutting will leave a matt of dead vegetation which over time, will weather and dry out providing a fuel load that will increase the prospect of damaging wildfire.

We also note that the Bill proposes that managing moorland habitats for game or wildlife will only qualify as a valid purpose for a licence application when the land does not involve peatland. This has the prospect of excluding large areas of a grouse moor from the licensable area where for the reasons already stated cutting is not a desirable alternative. No sound policy rationale is given for the Bill taking this position and there are potentially seriously adverse consequences for the ability to run a grouse moor and deliver all the benefits that they bring to rural Scotland.

# **Edinburgh Environmental Services Ltd (EES Pest Control)**

Small pest control specialists covering Edinburgh & the Lothian's.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Glue boards are essential for public health.

A complete ban on rodent glue boards in Scotland will have a devastating impact on human health and safety. Everything from hospital wards to school lunchrooms will be liable to close while extended pest management programmes occur.

The British Retail Consortium (BRC) and UK Hospitality believe a ban on glue boards will profoundly impact SMEs, particularly in the food and hospitality sector.

Rodents carry and transmit pathogenic microorganisms (and therefore disease). Failure to act quickly in a high-risk environment can result in sickness, distress and death.

Rodent management programmes will take longer in crucial areas, meaning temporary closures (minimum of 2 weeks) of sensitive sites, such as:

- Small food and hospitality businesses
- Hospitals and care homes wards
- Food factories and preparation areas
- Critical infrastructure and government buildings.

In domestic cases, private homeowners could spend weeks living with rodents, risking their health.

A total ban on glue boards would remove a tool that helps protect some of the most vulnerable people and high-risk environments. This would have a detrimental effect on public health.

Hospitals, care homes, food businesses, and other critical infrastructure relies on glue boards to protect vulnerable people.

No other tool works quicker than rodent glue boards. We have no viable alternatives to glue boards when speed is crucial. Without access to glue boards, people may die.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Don't know

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Don't know

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Don't know

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Don't know

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Don't know

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Don't know

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Don't know

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

# Estate Management

Provides pest control & crop protection for farming community.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Glue boards are inhumane. Use poison.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Regulation No - education - Yes.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Anyone trapping legally should have nothing to fear, should be adequately trained and should be responsible enough to take responsibility for it.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

There should be no further legislation whatsoever. If shooting and release of Grouse did not happen, there would not be any Grouse to see. Bad practices should always be dealt with however.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

Why? It will be required to have a licencing scheme to shoot rabbits at this rate; not that there is any left.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Cruelty to animals is disgusting, whether to pets or wild animals. If it is an illegal act, the Police can act on it.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

It has always worked, that is why it is done.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

I would be in favour of such a scheme. It is responsible after all.

# Evenley Wood Shoot

Pheasant Shoot

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

For control

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Safeguards for public and wildlife

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

We manage now

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Safe guards

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Don't know

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Don't know

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**



# Finzean Estate Partnership

We are a traditional highland estate with in hand farming, a farmshop, sporting, forestry, holiday cottages, let farms and housing

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

There is already a robust training scheme for operating traps adhering to the highest professional standard.

Coupled with that there is no evidence to suggest additional regulation is necessary.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Unique licence numbers should only be applied to live capture traps where there is an animal welfare consideration.

Licence holders are also open to trap interference by those with agendas aiming to try and shame the industry. This would be a massive concern and tampering with a trap should be an offence with penalty.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Grouse moor owners and occupiers are continually being singled out for wildlife crime despite the fact that incidents of raptor persecution are now at historically low levels.

There are already strong measures in place, including criminal penalties to deter and punish persecution of raptors in Scotland, along with the introduction of vicarious liability for landowners and the option for Nature Scot to impose restrictions on general licences.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The licensing scheme, on a practical level, will not work and unfairly singles out grouse moor operators.

Only where there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person should the right to shoot grouse be interfered with.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

The Police force are already trained to high standards through their wildlife crime office to deal with cases.

Scottish SPCA are not trained to these standards potentially compromising any wildlife crime investigation.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Already Muirburning adheres to best practice methods and those that are involved are very well trained usually with the best of equipment to manage the fire.

Additional regulation would be unnecessary.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? -  
Please provide your reasons for your answer in the box provided.**

Much of this debate is based on what is peatland and as there is such a variance over small areas it would be very difficult to measure practically where there is peat deeper than 40cm.

# **Fundación Artemisan**

www.fundacionartemisam.com

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

# **G W T Plant Hire Ltd**

Groundcare & ATV Specialists.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

- Operators of wildlife traps already operate to high professional standards, with many practitioners undertaking training on a voluntary basis.
- There is no evidence that additional regulation on the use of wildlife traps is necessary. It would be possible to maximise adherence to best practice and reduce the probability of non-target catch through the provision of training alone.
- It should be an offence to tamper with, interfere or sabotage a wildlife trap. The penalties for this should reflect those relating to the use of spring traps in section 5 of the Bill. The absence of this provision from the Bill, despite repeated representations by land managers and representative organisations, is disappointing.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Unique Licence Numbers:

- It is disproportionate and unreasonable to subject wildlife traps that kill instantaneously to unique licence numbers. Unique licence numbers should only be applied to live capture traps where there are heightened animal welfare considerations.
- Interference with unique licence numbers by parties with vexatious agendas is a cause for real concern and is the obvious way of sabotaging a licence holder. Provision must be made to make tampering, interfering and sabotaging a wildlife trap an offence.

Modification, Suspension and Revocation:

- It would be disproportionate and unreasonable to modify, suspend or revoke a licence for any crime other than those relating to the use of wildlife traps – it would be unfair and illogical to impose penalties under a trap licensing scheme for alleged offences cannot be that have no connection to the use of wildlife traps.

- It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation – NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

Application:

- It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest an offence in relation to the use of wildlife traps had taken place beyond reasonable doubt.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

- There are already robust measures in place to deter and punish the persecution of raptors in Scotland. These include recently strengthened criminal penalties, the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

- The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. This calls into question the need for an additional civil sanction.

- It would be completely disproportionate, unreasonable and discriminatory to suspend or revoke a licence to shoot grouse on the basis of any crime other than the illegal persecution of raptors.

If estates in the area did not have licences to shoot grouse this could significantly impact our business, in terms of income and could impact the people we employ.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

Modification, Suspension and Revocation:

- The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing against the license holder or person managing the land. That is unfair, disproportionate and will create uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence beyond reasonable doubt of the relevant person committing a raptor crime.
- The consequences of licence suspension or revocation are huge for the rightsholder, their employees and the wider community. Jobs, homes and businesses would be lost. It would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or best practice guidance contained in a code of practice. The only trigger for suspension or revocation should be robust evidence that the relevant person has committed raptor crime. The definition of relevant offences is broad and discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.
- On a one-year licensing system, the difference between suspension and revocation is academic. It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation – NatureScot should have to be satisfied that raptor persecution had been committed. Police investigations can easily be triggered by malicious or vexatious allegations.
- Overall, the licensing scheme is discriminatory because it will result in people with the right to shoot grouse being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management without criminal wrongdoing being proved beyond reasonable doubt.

#### Application:

- It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. 'Appropriateness' is a very broad test that could result in licenses being refused for any number of reasons. It could also result in licences being refused for reasons that could not justify licence suspension or revocation.
- Licences should last in perpetuity. It would be disproportionate, unreasonable and unworkable to renew licences annually. Grouse moor management is a long-term investment and the licence duration should reflect this reality.
- Annual renewals, combined with the appropriateness test, would provide no certainty to businesses and severely inhibit their ability to plan for the future, disincentivising grouse shooting and moorland management.
- NatureScot's licensing team is already overburdened, which results in delay.
- The one-year licence period weakens the protective effect of the appeal rights to the Sheriff Court.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**



No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

- Affording charities statutory powers to investigate any crime sets a dangerous precedent. There would be a deficit of accountability and oversight of their work.
- Scottish SPCA staff are not vetted nor trained to the same standard as the police officers, which could potentially compromise wildlife crime investigations.
- Scottish SPCA staff are overt in their expression of partial views (including around legal land management tools and countryside activities) which could lead to investigations being tainted by bias.
- The partial views of the Scottish SPCA in relation to legal land management tools and countryside activities has resulted in an erosion of trust and confidence in the charity among many land managers.
- Social media indicates that the Scottish SPCA are an active lobbying organisation, which could lead to investigations being tainted by bias. Concerningly, the Lobbying Register appears to contain a largely incomplete reflection of the Scottish SPCA's lobbying activities.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

- The latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. Additional regulation has the capacity to detract from these important benefits.
- Muirburn is conducted with absolute professionalism and in accordance with the muirburn code by the vast majority of grouse moor managers. The provision of training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

- The definition of peatland is arbitrary and illogical. There is no science to support the introduction of greater controls on burning where there is peat deeper than 40cm.
- The licensing system puts the onus of determining whether the land is peatland or not peatland on the licence applicant, despite the policy memorandum acknowledging that Scotland does not currently have soil mapping data for peat with a depth of 40cm.
- NatureScot's recent review of the evidence on muirburn confirmed that the only way to measure peat is to use a peat probe. Peat depth can be highly variable across a small area, meaning it will be impossible for an applicant to determine, with absolute certainty, whether the land to which the licence relates is peatland (defined as peat is deeper than 40cm) or not peatland.
- Probing every inch of ground is practically impossible and would be damaging to the peat. This approach to licensing could result in responsible people inadvertently breaking the law. It also makes the law difficult for NatureScot to enforce in practice. This lack of certainty makes the licensing system unworkable.
- It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.
- It would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control lead to worse outcomes, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in summer months, producing ideal tinder for smouldering and wildfire ignition. This is counterintuitive.
- It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation – NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

## **Game & Wildlife Conservation Trust (Scotland)**

The Game & Wildlife Conservation Trust (GWCT) is a research and education charity that has published over 100 scientific papers in peer-reviewed journals covering a wide variety of game and wildlife conservation issues over the past 50 years. Based on our scientific expertise and credibility, we regularly provide advice to such statutory bodies as Scottish Natural Heritage, Defra, Natural Resources Wales and Natural England. We also provide practical advice to farmers, landowners and other conservation organisations on how to manage their land with a view to improving biodiversity. Our Advisory team have, for many years, run industry-leading best practice predation control and other training courses. These courses are based on practical experience backed up by GWCT science.

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

We agree with the proposed ban on the use, possession and purchase of glue traps.

Whilst we recognise the administrative convenience of placing this proposal in the Wildlife Management & Muirburn Bill, it is unfortunate that provisions for the ban of glue traps are incorporated in this way. As far as we are aware, glue traps are not used in respect of grouse moor management, but the association is nevertheless created by inclusion in the Bill

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Don't know

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Whilst additional regulation may impose administrative burdens regarding the use of certain wildlife traps, such requirements may assist trap operators to demonstrate compliance, best practice and related conservation benefits. The introduction of training, registration and the issue of ID numbers for snare operators following introduction of the Wildlife and Natural Environment (Scotland) Act has provided useful direction and, in our view, has materially contributed to improvement in management practice. Data compiled for the most recent WANE Act five-year review (2022), provides guidance as to scale and trend of incident statistics in Scotland. This information demonstrates a steady decline, which we believe reflects the effectiveness of the legislation and professional standards.

Extending the same administration introduced under the WANE Act to trap regulation therefore seems a practical step, but only if there is consistency and streamlining of administration, training, oversight and to obviate the need for multiple Identity tag numbers.

Over the last two years, GWCT has introduced mobile data collection for upland managers to help them confirm predator control compliance requirements. Current users have

welcomed this advance as a simple, consistent and effective way of record-keeping. Of equal relevance, the build-up of information also affords the opportunity to analyse predator control information alongside species surveys to interpret and manage for conservation benefits. It also allows for a greater understanding and more targeted predator management at the estate scale.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Don't know

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

If the regulatory framework proposed for licensing of wildlife traps is integrated with the same training, registration and administration processes embedded in the 2011 WANE (Scotland) and there is streamlining of predator control ID numbers, the consistency of approach should yield administration simplicity, consistency, and continuous professional improvement.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Don't know

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Scottish Government declared a climate emergency in April 2019, and followed up with the Edinburgh Declaration in response to the global biodiversity emergency. There are clear imperatives to tackle climate change and biodiversity loss, reflected in relevant government strategies covering environment, biodiversity and land use. For instance, it is recognised that farming is a principal source of GHG emissions which must be tackled, but it is also seen as part of the solution to emissions and biodiversity loss.

Within Scottish Government's 2022 vision for agriculture, and now in proposals to be brought forward in the Agriculture Bill, farmers will be encouraged to deliver on targeted outcomes for biodiversity gain and low emissions production. This will be based on an evidence-based approach, but flexing around emerging information, science, technology and tools.

Recognising that agricultural support can cover some upland used both for farming and grouse management, there is nevertheless a risk that the Wildlife Management and Muirburn Bill establishes an inconsistent approach to land management best practice. Current agricultural Reform proposals concentrate on developing positive outcomes for sequestration and biodiversity. Aspects of the Wildlife Management Bill proposals regarding land used for grouse shooting focus on removal of licence and penalties and offer very significant powers of discretion to NatureScot over grant of licences.

Disproportionate exercise of these powers may discourage intelligent use of moorland to maintain farming enterprises and achieve both carbon sequestration and biodiversity improvement. This is particularly the case where income from grouse management underwrites the upland farming enterprise. Indeed, there is risk of land abandonment if enforcement is heavy-handed, which is in no-one's interest.

## BETTER REGULATION

It is right that there is no place for raptor crime in Scotland, which was the original issue prompting the Wildlife Management and Muirburn Bill, but there is also an opportunity to place emphasis on sound practice. The Scottish Regulators' Strategic Code of Practice states that:

“The Scottish Government and Scottish regulators recognise that the minority of businesses which deliberately or persistently avoid their regulatory responsibilities do so largely to secure an unfair competitive advantage over legitimate businesses and with insufficient regard to the adverse impact on consumers, communities and the environment. This Code should not be interpreted as a justification for noncompliance or a signal that regulators will tolerate that.”

GWCT is fully supportive of that aim. However, the Code also states that Regulators should:

“Adopt a positive enabling approach in pursuing outcomes that contribute to sustainable economic growth.”

“Adopt risk and evidence-based protocols which help target action where it's needed and help to ensure the achievement of measurable outcomes.”

“Tailor their approach depending on the nature of the sector they are regulating and the desired outcomes. This includes a commitment to advice and support for those who seek to comply, allied with robust and effective enforcement when justified.”

The Code also sets out under 3. 'Regulators are enablers' that:

“Regulators should:

- Deliver an efficient, effective and timely service and minimise business compliance costs, where possible, by reducing unnecessary bureaucracy and delays.
- Help those they regulate to design simple and cost-effective compliance solutions to improve confidence and day to day management control.”

The Bill sets out that licences may be modified by NatureScot at any time. It also makes provision to extend its reach to cover other forms of shooting. As mentioned, the Bill originated from concerns about raptor crime associated with grouse moor management. There has been no review of other forms of shooting or management like the Scottish Government commissioned Werritty review. It seems inequitable to extend the scope of the WM & M Bill without parallel assessment as to the benefits and any concerns associated with these other forms of shooting. In both the case of licence amendment and the wide potential reach of the Bill, these seem out of line with the aims of 'Better Regulation.'

## ANNUAL LICENCES AND SUSPENSIONS

Depending on the extent of information required, annual licence renewals could impose a bureaucratic burden on both NatureScot and the licence holder, and risks unnecessary delays and diversion of resources.

Upland management for grouse can generate significant ecosystems services gain as part of Scotland's approach to mitigating climate change. Such management is delivered at little cost to the public purse but requires substantial ongoing investment and skilled staffing, often without any expectation of regular shooting income to offset costs. Under these circumstances, it would seem unfair for a law-abiding business not to have operating certainty beyond an annual horizon. With commitment to support and advice under Better Regulation, there is a chance for liaison between landowners, managers and the licensing authority to work towards compliance and best practice that delivers long-term benefit at landscape-scale in tackling climate change and biodiversity gain. There is no obvious provision for this in the Bill, and thus no guarantee that this is embedded in future codes of practice.

#### DISCRETION OVER GRANT OF, OR SUSPENSION OF LICENCES

The current draft of the Wildlife Management & Muirburn Bill appears to offer the licensing authority complete discretion over grant, suspension or removal of licences. This seems to be at odds with the principles of 'Better Regulation' around enabling, evidence-based, efficient and effective – and thus proportionate - oversight.

#### RISKS WITHOUT PROPORTIONALITY

As a science and education charity, our primary concern is that a heavy-handed licensing process could risk abandonment of upland management or inappropriate changes in land use without adequate research, just when we need to fully grasp and evaluate the benefits to Scotland in terms of carbon sequestration, mitigation of wildfire, conservation of upland flora and fauna, as well as cultural and economic aspects. The SRUC 2020 report to Scottish Government on socio-economic and biodiversity impacts of grouse shooting (Summary Report – The socioeconomic and biodiversity impacts of driven grouse moors and the employment rights of gamekeepers; Commissioned Report for the Scottish Government, Project Number CR/2019/01) found no demonstrably better land use alternatives.

Upland management has a key role to play in addressing the climate change and biodiversity crises, so whilst we fully recognise the concern to address raptor crime, this should not impact on the potential for managed moorland to deliver public good at landscape-scale.

Heather-dominated moorland habitat supports many biological communities that are either only found in the UK, or are better developed here than elsewhere. 13 of these communities are listed under EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna. The 1992 Rio Convention on Biodiversity ratified the global importance of UK heather moorland.

This environment also supports a unique assemblage of bird species, which contains 18 species of European or international importance (Recent changes in the abundance of British upland breeding birds. Bird Study 2005; 52: 261–275). It is possible that these species could still survive without upland management, but most likely at considerably lower

densities, in poorly connected populations which would leave them at greater risk of local extinction.

GWCT's published research as to the impact of changes when moorland management is decreased or removed includes evidence of reductions across a range of ground-nesting birds in South-West Scotland, the risk that remaining moorland habitat patches in Southern Scotland are likely to become more fragmented and less able to support sustainable connected populations of black grouse (Conserving Black Grouse *Lyrurus tetrix* in southern Scotland: evidence for the need to retain large contiguous moorland habitat within a forest-moorland landscape; Bird Study, Volume 66, 2019), and range contraction of mountain hares (Distribution of mountain hares *Lepus timidus* in Scotland in 2016/2017 and changes relative to earlier surveys in 1995/1996 and 2006/2007; Wildlife Biology 2020).

Many of the best areas are protected as Sites of Special Scientific Interest (SSSIs) or are 'Natura' sites – Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) Although grouse moor management is acceptable on these sites, the environmental impact of forestry or heavy grazing means that these alternatives would not be permitted. Therefore, undue pressure on grouse shooting through a penal licensing system lead to abandonment of these areas and the current management of heather and peatland would cease.

Until the early 2000s heather cover was falling sharply in the UK, generally resulting from overgrazing and/or establishment of commercial forestry plantations. We are very concerned that the current rush to tree-planting in the uplands is often ill-considered and risks exacerbating carbon emissions. We note for instance the research undertaken by Friggens et al (Tree planting in organic soils does not result in net carbon sequestration on decadal timescales; Global Change Biology, 2020) where planting of trees onto heather moorland did not lead to an increase in net ecosystem carbon stocks even decades after planting. This led the authors to conclude that "...if we are to successfully manage our landscapes for carbon sequestration, planting trees is not always the best strategy."

We repeat that raptor crime has no place in Scotland, but it is also vital to encourage the multiple benefits that moorland management can underpin, and for which they should be recognised - supporting habitats and wildlife, helping to reduce greenhouse gas emissions and mitigate climate change hazards, particularly flooding and wildfire. This is surely the aim of Better Regulation, but which doesn't seem to be reflected in a Bill that currently provides a Licensing Authority with discretion to exercise licensing as it sees fit.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

A licensing system should display essential functions around advice, guidance, licensing, permissions, consents, inspections, monitoring and enforcement. It should be predicated on existing good practice and linked in with the outcome-based approach which is integral to Scottish Government's National Performance Framework. The Scottish Regulators' Strategic Code of Practice promotes an approach whereby regulators seek to understand those they

regulate, including taking into account economic and business factors appropriately (for example, in terms of costs, processes and timescales).

At present, it is not possible to gauge whether the licensing system to be implemented under the Wildlife Management and Muirburn Bill will operate in line with Better Regulation and therefore provide balance between encouragement and enforcement. There is no clear indication that the Bill is anything more than a restrictive process, rather than an opportunity to provide encouragement alongside enforcement. Essential detail remains to be set out covering advice, guidance and the information required for grant or renewal of licences, and indeed how where there are genuine gaps in evidence. As such, we are not able to agree with the system as described in the Bill. At present, the licensing powers do not appear to be commensurate with Better Regulation.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

As a charity itself, the GWCT is deeply uncomfortable with the prospect of a similar organisation being granted statutory powers to investigate crime, particularly where charitable objects focus on prevention, advancement or education. These speak to balanced requirements. They also raise the question as to whether a charity is suitably equipped to deliver on its core objects and provide the necessary assurances around impartiality, the adequacy of training and the suitability of recording for evidentiary purposes in relation to statutory powers.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

We should constantly review and update on concerns about climate change and biodiversity loss to ensure that current muirburn practice reflects the best available evidence on impact and benefits. We think the Muirburn Code should be reviewed and updated to reflect emerging research. That is not necessarily the same as 'additional' regulation.

The report on muirburn undertaken by NatureScot in 2022 (NatureScot Research Report 1302 - Reviewing, assessing and critiquing the evidence base on the impacts of muirburn on wildfire prevention, carbon storage and biodiversity; Holland, J.P., Pollock, M., Buckingham, S., Glendinning, J. & McCracken, D; 2022) echoes previous reports covering carbon sequestration, muirburn or moorland management, such as that undertaken by the Climate Xchange (the Scottish Government funded climate change institute within the University of Edinburgh - Understanding carbon sequestration in upland habitats; January 2021). There are acknowledged gaps in evidence.



The NatureScot review identified peer-reviewed evidence suggesting that muirburn conducted every 10 years can be beneficial to plant species (e.g. sphagnum) linked to peatland formation. It also noted a role for muirburn in wildfire mitigation via management of fuel load. Analysis of the carbon inventory over appropriate time periods is an extremely important point, requiring more analysis to ensure we correctly gauge the benefits of muirburn, other management techniques and the mitigation of wildfires, in relation to greenhouse gas emissions. We also need to determine and optimise the level of re-wetting on moorland to control methane release. The continuing work of the Peatland-ES-UK project (<https://peatland-es-uk.york.ac.uk/>), which follows on from the previous 5-year Defra funded peatland project (BD5104 'Restoration of blanket bog vegetation for biodiversity, carbon sequestration and water regulation') is relevant.

This all points to the need for an adaptive management approach to muirburn rather than substantial restrictions or a 'no management' approach, which run the risk of massive deficits to Scotland's carbon inventory in the event of wildfires. Indeed, whilst the guiding principles set out in the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 identify the precautionary principle in section 13 (b), clause (c) also sets out the preventative principle, recognising the risks of not carrying out some action.

Much of the science around muirburn is characterised by evidence gaps which leaves it prone to politics rather than objective analysis. There is a case for updating the existing muirburn code and best practice provided this achieves what we have set out above – the need to address gaps in our knowledge, plan for management of fuel load, develop site-specific analysis of muirburn and adjustment of rotational periods to optimise carbon budgeting, and similar assessment of re-wetting in relation to methane release. Without this type of framework, regulation proposed in the Bill is unlikely to prove effective. Less 'additional', more 'appropriate'.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

There is no clear indication that muirburn management is damaging to deep peat. This is important, because to justify a precautionary approach, there needs to be evidence of adverse impact.

Peatland is defined in the Bill as soil that has a layer of peat with a thickness of more than 40 centimetres. Yet Scotland does not yet have comprehensive soil mapping data for peat depth to this resolution which would enable prompt submission of evidence for licensing purposes.

Given the need to address substantial gaps in the accurate distribution of peatland, our understanding of muirburn and response to the growing problem of wildfire management, the question is therefore whether the regulation and licensing outlined in the WM & M Bill will adequately reflect the need for an adaptive approach. At present, there is no way to tell. We do note that the current drafting of the Bill establishes a difference in scope for licence applications between non-peatland and peatland:

- Licence to burn on non-peatland for “conserving, restoring, enhancing or managing the natural environment”
- Licence to burn on peatland for “restoring the natural environment”

We recognise that there is provision to apply for licences for research purposes but are concerned that without due recognition of Better Regulation, the opportunities may be restricted by the difference in wording of the Bill (above) and the wide discretionary powers available to the licensing authority. Indeed, research should consider whether muirburn does impact on deep peat, and if so, under what circumstances.

Much therefore depends on development of a practical approach to licensing that offers scope for substantive research, and balances advice, guidance, permissions and consents with enforcement. We would prefer to see no difference in the wording applied to licence options under non-peatland and peatland, a pragmatic approach that engages research, facilitates adaptive management, and provides a tolerance margin to recognise the current lack of resolution in peatland mapping. As our insight develops on how best to make use of muirburn for managing carbon sequestration, wildfire and biodiversity, so also can enforcement evolve.

# Glenogil Ltd

Glenogil Ltd is a upland sporting estate situated in the heart of the Angus Glens. The estate has a diversity of game shooting interests, including a substantial grouse moor.

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

## **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

## **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Operators of wildlife traps already operate to high professional standards, with many practitioners undertaking training on a voluntary basis.

There is no evidence that additional regulation on the use of wildlife traps is necessary. It would be possible to maximise adherence to best practice and reduce the probability of non-target catch through the provision of training alone.

It should be an offence to tamper with, interfere or sabotage a wildlife trap. The penalties for this should reflect those relating to the use of spring traps in section 5 of the Bill.

## **Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

## **Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

The proposal to subject wildlife traps that kill instantaneously to unique licence numbers is disproportionate and likely to result in unintended consequences. Unique licence numbers should only be applied to live capture traps where there are heightened animal welfare considerations.

Interference with unique licence numbers by parties with vexatious agendas is a cause for real concern and is the obvious way of sabotaging a licence holder. Provision must be made to made to make tampering, interfering and sabotaging a wildlife trap an offence with penalties reflecting those in section 5 of the Bill.

It would be disproportionate and unreasonable to modify, suspend or revoke a licence for any crime other than those relating to the use of wildlife traps. It would be unfair and illogical

to impose penalties under a trap licensing scheme for alleged offences that have no connection to the use of wildlife traps.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless there is proof beyond reasonable doubt that an offence in relation to the use of wildlife traps had been committed.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. It is wrong that grouse moor owners and occupiers are being singled out for a punitive civil sanctioning regime against that background.

There are already robust measures in place to deter and punish the persecution of raptors in Scotland. These include recently strengthened criminal penalties (including unlimited fines and lengthy prison sentences), the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

If licensing is introduced, it would be completely disproportionate, unreasonable and discriminatory for NatureScot to interfere with the right to shoot grouse for any reason other than robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The licensing scheme is unworkable on a practical level and unfairly singles out grouse moor operators for punitive civil sanctions without justification.

The right to shoot grouse should only be interfered with if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

The Bill gives NatureScot the discretionary power to grant or refuse licences on the basis of its perception of “appropriateness”. This is a very broad test that could result in licences being refused for any number of reasons. It cannot be right that licences are refused on lower grounds than suspension or revocation.

NatureScot’s licensing team is already overburdened. The discretionary application procedure proposed is likely to result in inordinate delays.

The Bill says licenses may only be granted for a maximum period of 12 months. Businesses will therefore not know from one year to the next whether they are able to operate. This uncertainty will severely inhibit their ability to plan for the future, take on employees and invest in rural Scotland.

This will, in turn, disincentivise grouse shooting and moorland management more broadly, which will have adverse downstream consequences for the economy and the environment. Grouse moor management is a long-term investment and the licence duration should reflect this reality.

The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing against the license holder or person managing the land. That is unfair, disproportionate and will create uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

The consequences of licence suspension or revocation would be devastating for the grouse rightsholder, their employees and the wider community. Jobs, homes and businesses would be lost. It would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or guidance contained in a code of practice).

The only trigger for any adverse licensing decision (be it refusal, modification, suspension or revocation) should be robust evidence that proves raptor crime had been committed on the estate by a relevant person beyond reasonable doubt.

The broad definition of relevant offences is discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.

On a one-year licensing system, the difference between suspension and revocation is academic. It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that raptor persecution had been committed by a relevant person beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

Overall, the licensing scheme is discriminatory because it will result in people with the right to shoot grouse being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management and without criminal wrongdoing being proved beyond reasonable doubt.

Licence refusal, suspension or revocation would result in decisions being made about the estate's viability. It cannot be right to expect a landowner to invest to the extent they currently do with the levels of uncertainty enveloped in this licensing scheme. £600,000 worth of investment in our grouse moor would be put at risk, with significant downstream consequences for rural businesses we rely on.

There would be huge wildlife losses as a result of a cessation in land management for grouse shooting. In a biodiversity crisis, this is not something we can afford to be putting at risk.

There would be a massive deficit of certainty associated with a 12 month licence. Landowners cannot be expected to invest if they are unsure if they will be able to shoot in 18 months time.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Affording charities statutory powers to investigate any crime sets a dangerous precedent. There would be a deficit of accountability and oversight of their work.

Scottish SPCA staff are not vetted nor trained to the same standard as police officers, which could potentially compromise wildlife crime investigations.

Scottish SPCA staff are overt in their expression of partial views (including around legal land management tools and countryside activities) which could lead to investigations being tainted by bias.

The partial views of the Scottish SPCA in relation to legal land management tools and countryside activities has resulted in an erosion of trust and confidence in the charity among many landowners and land managers.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. Additional regulation has the capacity to detract from these important benefits.

Muirburn is conducted with absolute professionalism and in accordance with best practice by the vast majority of grouse moor managers. The provision of training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

The definition of peatland is arbitrary and illogical. There is no science to support the introduction of greater controls on burning where there is peat deeper than 40cm.

The licensing system puts the onus of determining whether the land is peatland or not peatland on the licence applicant, despite the policy memorandum acknowledging that Scotland does not currently have soil mapping data for peat with a depth of 40cm.

NatureScot's recent review of the evidence on muirburn confirmed that the only way to measure peat is to use a peat probe. Peat depth can be highly variable across a small area, meaning it will be impossible for an applicant to determine, with absolute certainty, whether the land to which the licence relates is peatland (defined as peat deeper than 40cm) or not peatland.

Probing every inch of ground is practically impossible and would be damaging to the peat. This approach to licensing could result in responsible people inadvertently breaking the law. It also makes the law difficult for NatureScot to enforce in practice. This lack of certainty makes the licensing system unworkable.

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.

It would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control lead to worse outcomes, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in summer months, producing ideal tinder for smouldering and wildfire ignition. This is counterintuitive to the stated licensable purpose.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

A refusal, suspension or revocation would dramatically increase wildfire risk on our estate. The chick survival rate of our grouse would plummet, and this risks the viability of the grouse shooting business overall. This could result in the owner discontinuing his investment in

grouse shooting, with significant downstream consequences for jobs, businesses, wildlife and communities.



# GP Environmental

We are a Pest Control company based in Glasgow, delivering services to the health board, local authorities and councils and to food manufacturing sites.

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Since 2003, GP Environmental has been providing Pest Control Services to sites for the Health Board, for Schools, Shopping Centres, Local Councils, Housing Associations and Care Homes, as well as for local transport and Prisons.

Every scenario for rodent control is different, and from our 20+ years experience, we deem the use of glueboards essential to the maintenance of public health and safety.

It is our vast experience which allows us know exactly when glueboards are necessary. Use of glueboards is always risk assessed, and in times of urgent response and action, glueboards are invaluable to prevent the spread of sickness and disease.

We have seen first hand the level of distress a rodent infestation can cause, especially when it comes to urgent action needed for areas where there are children, elderly, sick or disabled people.

### Case Study

Rodent infestation in a Hospital Catering department. Rodenticide and traps were not working as the rodents were avoiding the boxes/traps. Proofing was completed as much as practically possible. Fast action was needed to prevent the spread of the infestation to further areas in the hospital and longterm closure of the very busy catering department. A programme of glueboarding was put in place, and on completion, there were no further rodent sightings in this area.

Without the use of glueboards in this scenario, there was a very high risk of the infestation spreading to other areas of the hospital, and the closure of the catering department which was providing meals for staff and patients.

In emergency situations such as this, there is no alternative, glueboards are needed. By banning their use, the public are being put at risk.

We provide services for many local businesses such as bakeries, restaurants, cafes etc. These clients are mostly made up of small to medium sized businesses, many family owned. The option of glueboard use is needed to protect these businesses from infestation and closure. Without boards, there is the risk of disease and illness, as well as premises being closed indefinitely, putting a further strain on the employees and owners of these businesses, at a time which is already hard for most.

The use of glueboards is ALWAYS risk assessed, and in many cases it is the last resort after other options have not been possible/viable/successful, but H&S still needs to be maintained.

I would ask you to consider the points made above, and consider who needs the most protection in these circumstances.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Don't know

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Don't know

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Don't know

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Don't know

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Don't know

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Don't know

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Don't know

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

# Grampian Moorland Group

Grampian Moorland Group is a collection of rural estates throughout the area, founded in 2015.

The group demonstrates the work local sporting estates and their staff undertake for our countryside, both in Grampian and Scotland as a whole, highlighting the positive impact on our communities and businesses. This includes; conservation of rare heather moorland and the wildlife which lives there.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

This is not relevant to grouse shooting or management.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

As a group we think that operators of wildlife traps adhere to high professional standards, with many practitioners undertaking training voluntarily.

We don't think that additional regulation on the use of wildlife traps is necessary. It would be better to use training to maximise adherence to best practice and reduce the probability of non-target catch.

Our members strongly believe it should be an offence to tamper with, interfere or sabotage a wildlife trap. The penalties for this should reflect the spring traps penalties in section 5 of the Bill.

We are really disappointed that interference, tampering and sabotage of traps has not been made a standalone offence in the introduced Bill.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Unique Licence Numbers:

Our group feels it would be disproportionate and unreasonable to subject wildlife traps that kill instantly to unique licence numbers. Unique licence numbers should only be applied to live capture traps where there are obvious animal welfare considerations. Kill traps are deployed far more extensively, which would substantially increase administrative burdens for the licence holder and the estate.

We are incredibly concerned about interference with unique licence numbers by those with anti-shooting agendas. It would be an obvious and easy way to sabotage a gamekeeper, potentially putting employment at risk. This risk is exacerbated by the proposal to include unique licence numbers on kill traps which are extensively deployed. It must be an offence to tamper, interfere or sabotage a wildlife trap.

Modification, Suspension and Revocation:

Grampian Moorland Group members think it would be disproportionate, unreasonable and unfair to impose penalties under a trap licensing scheme for alleged offences that have no connection to the use of wildlife traps.

We think it would be disproportionate, unreasonable and unfair to suspend a licence because of the initiation of a police investigation. NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed beyond reasonable doubt.

Police investigations can easily be triggered by a malicious allegation from someone with an anti-shooting agenda, which would put their employment at risk. The inability to use wildlife traps would be career-ending, and there is a complete lack of safeguards to stop this from happening vexatiously.

Application:

Our members think it would be disproportionate, unreasonable and unfair to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest an offence in relation to the use of wildlife traps had taken place beyond reasonable doubt. The vagueness of the appropriateness test does not give me confidence that NatureScot would grant me a licence on which my employment depends.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Grampian Moorland Group members think there are already robust measures in place to deter and punish the persecution of raptors in Scotland. These include recently strengthened criminal penalties, the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

Wildlife crime reports indicate that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. This calls into question the need for licensing.

We think it would be completely disproportionate, unreasonable and discriminatory to suspend or revoke a licence to shoot grouse on the basis of any crime other than raptor persecution.

Many of the members feel concerned for the future of their jobs if they had their licence to trap refused, suspended or even revoked. They would not be able to carry out their jobs efficiently and that would result in precious wildlife suffering. Predation pressures would rise and wildlife would diminish. Members across the country report trap vandalism, interference and tampering on a weekly basis and get no support from Police Scotland. From stones and sticks setting them off, to live capture birds being cut out and set free, trampled, smashed stolen to even human faeces been left in them. It's degrading, demeaning and not to mention costly - in time to replace and cost to repair or replace. Why should innocent law abiding citizens who are carrying out their highly skilled work, legally and above board, be at such risk by the actions of someone else who are either simply uneducated or worst case have an anti shooting agenda. This wouldn't happen in any other industry or walk of life.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

Modification, Suspension and Revocation:

The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing. We think this is grossly unfair, disproportionate and creates total uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence beyond reasonable doubt of raptor crime.

Our members think it would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or a code of practice).

We think that the only trigger for suspension or revocation should be robust evidence that the relevant person has committed raptor crime. The definition of relevant offences is broad and discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.

The consequences of licence suspension or revocation are huge. Our members would lose our jobs, our homes and associated businesses would either shut down or suffer.

We are really concerned about the proposed one-year licensing system, which means there would be no material difference between licence suspension and revocation.

We think it would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation, which can easily be triggered by malicious or vexatious allegations.

Overall, our members feel this licensing scheme is hugely discriminatory. It will result in people with the right to shoot grouse - and by extension employees like me - being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management. It feels like the Scottish Government are persecuting us, our families and our livelihoods.

Application:

We think it would be completely disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. 'Appropriateness' is a very broad test that could result in licences being refused for any number of reasons. It could also result in licences being refused for reasons that could not justify licence suspension or revocation.

Licences should last in perpetuity. It would be disproportionate, unreasonable and unworkable to renew licences annually. Grouse moor management is a long-term investment and the licence duration should reflect this reality.

Annual renewals, combined with the appropriateness test, would provide no certainty to my employer and severely restrict an estate's ability to plan for the future. This will make grouse shooting and moorland management unviable, with huge consequences for people like our members. They would lose their jobs and their homes, and the wildlife many of our members deeply care for would suffer as a result.

NatureScot's licensing team is already overburdened. We do not have trust or confidence that they could take on another licensing function, let alone a scheme that would see them deciding whether or not it is 'appropriate' to grant licences every single year.

Country sports are the backbone of Scotland's rural economy, with shooting estimated to be worth £200 million every year, while wild fisheries contribute an additional £79.9 million. Activities such as driven grouse shooting and deer stalking generate more regional spending than other comparable land uses, often with the highest levels of employment by area. These contributions are of the utmost importance in fragile, rural communities where employment and business opportunities can be more limited. The consequences would be catastrophic for biodiversity, carbon storage and wildfire mitigation, not to mention the rural economies of places like Strathdon, Tomintoul, Braemar and Dinnet in our area alone!

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

We feel strongly that giving charities statutory powers to investigate any crime sets a dangerous precedent. There is no accountability and oversight of their work.

The Scottish SPCA staff aren't vetted or trained to the same standard as the police officers, which would compromise wildlife crime investigations.

We are aware that Scottish SPCA staff publicly express partial views (often concerning legal land management tools and countryside activities) which could lead to investigations being tainted by bias.

The partial views held by the Scottish SPCA in relation to legal land management tools and countryside activities has eroded all of our trust and confidence in their ability to investigate impartially.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science shows that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. We have also seen first-hand the benefits of muirburn for species like curlew, golden plover and merlin. Additional regulation has the capacity to detract from these important benefits.

As muirburn practitioners, we know that muirburn is conducted with absolute professionalism and in accordance with best practice guidance by the vast majority of grouse moor managers. Training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

Our members have seen no scientific evidence to support the introduction of greater controls on burning where there is peat deeper than 40cm. In addition, there is no evidence to suggest that muirburn is harmful on peat deeper than 40cm. The Peatland ES-UK study demonstrates how beneficial muirburn can be for peatland ecosystems, regardless of peat depth.



The licensing system puts the onus on people like our members, who are practitioners of muirburn (highly skilled and trained) to determine where the land is peatland or not peatland. There are no peatland maps denoting where the peat is 40cm or deeper, meaning the only available option is to use a peat probe. Even then, the variability of peat depth across small areas means that every square inch of the land would need to be probed – which is not practical and would actually damage peat. The licensing scheme provides no certainty and is unworkable.

We think it would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.

It would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control are not as effective as muirburn, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in summer months, producing ideal tinder for smouldering and wildfire ignition. This could actually increase wildfire risk.

We think it would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation – NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

# Harburn Estate

A small Business employing approx 10 people all year round, tasked with managing Harburn Estate, West Calder

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

If used correctly Glue traps are an effective and humane means of controlling pests that cause real damage

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

There is very little evidence to suggest that trap operators are operating in anything other than an extremely diligent manner.

Reducing the numbers of pests and predators results in increased biodiversity, sustainability and economic viability of much of Rural Scotland and is a necessary part of responsible land management.

The Government should concentrate its energy on supporting those working on the land who strive to maintain nature's balance instead of making them feel like criminals by imposing ever increasing restrictions on them in the mistaken name of animal welfare.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

As indicated above, there is very little evidence to show that traps are being badly or illegally set and therefore it will serve as yet another case of increased red tape imposed on an industry already overburdened with administrative hassle.

It will also lead to interference with traps by people seeking to sabotage the livelihoods of those working in wildlife management so that they can then make the case for a revocation of the licence.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Whether we like it or not, Grouse shooting is the best way of maintaining Heather moorland in many areas. Heather moorland is a unique, semi natural habitat of global conservation importance and its continued health and biodiversity relies to a large extent on its economic viability. In the absence of grouse shooting, the economic viability of a lot of heather would be called into question leading to the degradation of our natural heritage.

Regulating land used for Grouse shooting would cast a shadow of uncertainty on its future which is already under threat in many areas.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

See my answer above. A licensing scheme would cast a shadow of uncertainty over those who manage heather moorland for grouse. Their existence is precarious enough and I fear that much of our heather moorland would cease to be managed for grouse, leading to a degradation of our natural heritage.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

under no circumstance. SSPCA staff make no secret of their distaste for fieldsports in general and therefore their investigations would inevitably be tainted by bias. They are a charitable organisation, and allowing charities with a political agenda to investigate crime would set a very dangerous precedent.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Muirburn is the best way to manage heather moorland, in terms of Peatland carbon, nutrient content, biodiversity and wildfire prevention. It should be encouraged, not regulated!

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

see above

There is little evidence to suggest that muirburn is being undertaken irresponsibly and the benefits of it far outweigh the problems.

# Highland Sporting Limited

Commercial shooting and a small deer forest.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

I strongly believe it should be a standalone offence to tamper with, interfere or sabotage a wildlife trap. The penalties for this should reflect the spring traps penalties in section 5 of the Bill. I am really disappointed that this has not been made a standalone offence in the introduced Bill.

I strongly think that there is no need for further regulation, operators of wildlife traps adhere to high professional standards, with many practitioners undertaking training voluntarily.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

I am really concerned about interference with unique licence numbers by those with anti-shooting agendas. It would be an obvious and easy way to sabotage a gamekeeper, potentially putting employment at risk. This risk is exacerbated by the proposal to include unique licence numbers on kill traps which are extensively deployed. It would be disproportionate to remove someone's trapping license if an offence in relation to the use of wildlife traps had not been proven beyond reasonable doubt

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Wildlife crime reports indicate that incidents of raptor persecution in relation to grouse moor management are now at a historically low level. This calls into question the need for licensing. There are already robust measures in place to deter and punish the persecution of raptors in Scotland and it is evident this is having a positive affect. I think it would be completely disproportionate, unreasonable and discriminatory to suspend or revoke a licence to shoot grouse on the basis of any crime other than proven raptor persecution.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

I think it would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or a code of practice). I think that the only trigger for suspension or revocation should be robust evidence that the relevant person had committed raptor crime. The definition of relevant offences is broad and discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions. A one year licencing system is not workable as it does not reflect the level of investment that is made on a managed grouse moor or the longevity of the business and employment plan. How can a business work around an employment system that you can not guarantee for longer than one year, or until the next licence renewal takes place. Families rely on this industry for employment and their homes. I employ 11 individuals and would fear greatly for livelihoods on a one year licencing scheme.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

I think that giving charities statutory powers to investigate any crime sets a dangerous precedent. There is no accountability and oversight of their work. I have first hand experience of organisations who are against field sports trying to set individuals up, it is a real problem. The SSPCA are not countryside focused and do not have the knowledge or experience to deal with countryside issues. I am aware that SSPCA staff publicly express partial views (often concerning legal land management tools and countryside activities) which could lead to investigations being tainted by their own opinion.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

From a National point of view, in areas where muirburn is not carried out it can lead to dangerous wildfires, i.e Morayshire. There was no muirburn present so the fuel load was so high that the fire was so intense and the result on the biodiversity, ecosystem, peoples homes and livelihoods was huge, and it could have been prevented if muirburn management had taken place. This land management practice should be encouraged through training, but not hindered by unnecessary regulation.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

I think it would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt. It would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control are not as effective as muirburn, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in summer months, producing ideal tinder for smouldering and wildfire ignition. This could actually increase wildfire risk which is not the purpose of muirburn.

# Horseupcleugh Estates

Horseupcleugh is an upland Estate in Berwickshire, Scottish Borders. The main activities on the property include sheep farming, sporting, forestry and residential properties. It combines hill ground and low ground which complement the grouse and low ground shooting, both of which take place on a low intensive basis. The farming involves 900 black face ewes grazing on the hill in the summer and relying on the low ground over the winter months. There are now 170 acres of woods, hedges and cover for wildlife. Over the last 17 years considerable activity and cost has been devoted towards property improvement, low ground conservation work, tree planting, heather regeneration and peatland protection.

The property employs 3 permanent staff as well as a variety of temporary labour and a variety of local contractors throughout the year. The main drivers for these enterprises is principally the sporting enterprise but also the farming and forestry activities. There are six residential properties, three of which are essential to running the sporting business; two houses are occupied by the employees and one is let with longer term tenants.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

We are not aware of any evidence that additional regulation on the use of wildlife traps is necessary. The standards of game keepers have improved considerably in the last few years with guidance from organisations that support shooting (ie. SGA, BASC, GWCT research and SLE). Sporting Estates actively pay for their employees to be trained to consistent and professional standards.

Voluntary Codes of Practice have improved the operation of traps, crow cages and snares significantly and do work for this sector. Heavy handed statutory codes of practice result in a heavy burden of administration for government and the sector. Adherence to best practice maximises adherence to best practice.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No



**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Unique Licence Number:

We think it would be disproportionate and unreasonable to subject wildlife traps that kill instantly to unique licence numbers. It could result in unintended consequences. Unique licence numbers should only be applied to live capture traps where there are heightened animal welfare considerations.

To be fair and reasonable there should be a disincentive to stop tampering or sabotaging wildlife traps and make it an offence with penalties reflecting those in Section 5 of the Bill.

Modification, Suspension and Revocation:

It would be disproportionate and unreasonable to modify, suspend or revoke a licence for any crime other than this relating to the use of wildlife traps. It is also unreasonable to suspend a licence because of the initiation of a police investigation. Nature Scot should be convinced that the an offence with wildlife traps had been committed beyond reasonable doubt. Otherwise malicious allegations can trigger a police investigation without any wrong doing. Malicious damage is already a regular occurrence on Sporting properties and immediate suspension or revocation would encourage malicious abuse.

Application:

Licences should be granted unless there is proof beyond reasonable doubt that an offence in relation to the use of wildlife traps had been committed.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The official wildlife crime record indicate that raptor persecution in relation to grouse moor management are now at historically low levels. It is wrong that grouse moor owners and occupiers are being singled out for a punitive civil sanctioning regime.

There are robust measures already in place to deter and punish persecution with recently strengthened penalties.

The proposed licensing scheme is disproportionate and unworkable. Worse it is discriminatory for Nature Scot to interfere with the right to shoot grouse for any reason other than evidence that proves beyond reasonable doubt that a raptor crime has been committed.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

No this proposed licensing system is unworkable on a practical level and disproportionate in its suspension, revocation or modification of a licence, never mind the individuals that are affected who could be found guilty until proven innocent!

Application:

The Bill gives Nature Scot the discretionary power to grant or refuse licences on the basis of its perception of "appropriateness" . This is very vague and could mean anything. It cannot be right that licences are refused on lower grounds than suspension or revocation.

Nature Scot is already overburdened and the discretionary powers will cause delays and the whole process will be difficult to manage.

The Licence Period:

A 12 month licence for grouse shooting will mean that sporting businesses will be uncertain every year whether they can continue. This will be a disincentive to investment, employment, conservation improving biodiversity and many other long term benefits. A licence should be for at least 5 years to allow a business to plan ahead. The Scottish economy and other local businesses will be affected from the huge investment in sporting properties. Jobs will be lost.

Modification:

The Bill suggests licences can be modified even if there is no evidence of wrong doing. This is unfair and disproportionate. Serious decisions should only be made on robust evidence and this makes it easier for Nature Scot to make the correct decisions.

The same arguments apply to Suspension or Revocation of Licences. On a one year licence system, delays and uncertainty about decisions effectively will mean that there will be no practical difference between the two sanctions!

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Giving charities statutory powers to investigate any crime sets a dangerous precedent. Who would oversee their work? Scottish SPCA are not vetted or trained to the same standard as a police officer. This obvious difference could compromise wildlife crimes. Scottish SPCA lack of training and their personal views could lead to investigations being affected by bias.

There is a lack of trust in the rural sector anyway which is a pity as the SSPCA does do some helpful work on other areas of work.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science clearly confirms that muirburn done correctly delivers the best outcome for peatland and carbon storage and sequestration as well as water tables, nutrient content, methane reduction, and wildfire mitigation. The Scottish Fire & Rescue Service clearly support muirburn as the main management tool to help reduce fuel loads of heather hills.

Additional regulation and the need for a licence will deter some land managers or farmers.

The Muirburn Code has encouraged regular training and huge progress in best practice over many years to optimise good quality muirburn on sporting properties. The vast majority of wildfires are caused by the public and not on managed grouse moors (Ref - SFRS annual statistics).

The provision of training is much more effective with minimal administration.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

The definition of peatland is arbitrary and illogical and unworkable! There is no science to back up the Bill's suggestion that greater controls are needed on peat that is deeper than 40cms. The onus is put onto the land manager to know how deep the peat is over large areas. There is no accurate soil mapping data and even if there was would it be accurate enough to have clarity for effective muirburn. Peat depth can differ over a few metres. This suggestion of knowing peat depth or assessing if it is peatland or not is clearly impossible!

This approach of licensing could result in responsible and well trained managers inadvertently breaking the law. How would Nature Scot enforce this in practice? There is so much uncertainty that it makes licensing unworkable.

Again "appropriate" is used to for Nature Scot to decide if a muirburn licence can be granted. This is unreasonable and disproportionate. It should be based on evidence "beyond reasonable doubt".

Other methods of vegetation control have worse outcomes than muirburn ie cutting vegetation which leaves more as a fuel load in the summer. Malicious acts also could be encouraged to suspend muirburn without reliable evidence.

Many birds rely not only on heather but also some heather control to feed, nest and rear young. Muirburn licensing is likely to cause unintended consequences.

## **Howie Irvine Ltd.**

Involved in tourism, land use and sporting activities including shooting.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

I do not believe there is a need for any more regulation. We in the countryside already live under far too many regs., and there is already a culture of fear amongst many farmers and keepers. Mainly perpetrated by walkers, rambles and general do-gooders who have little understanding or even knowledge of the law. This does not stop them harranguing country folks going about their business.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

The existing system is perfectly adequate.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Absolutely not. This is private land, managed not only for grouse but a whole host of other creatures that benefit from the controls of predator species and heather. This land generally does not benefit from any Government support, and is very often in the most remote parts of Scotland, where employment opportunities are very scarce. The system works very well, and it is outrageous that because of a few celebrities with their own views on the countryside are carrying so much sway.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

There is no need. This is simply a Trojan Horse for those that oppose what we do.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

The SSPCA has enough powers as is - and used properly will be more than enough to dissuade the very few individuals who are involved in wildlife crime.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Keepers and land managers do very well as is. And when in doubt, there are already organisations like GWT to advise.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

As above.

# Humane Wildlife Solutions

We are Europe's only non-lethal, ethical, environmentally friendly alternative to pest control with 10 + years of experience working with wildlife and in wildlife conflict.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Glue traps are cruel devices which are no longer needed in the pest control industry and certainly should never be used by members of the public. These traps not only inflict cruelty to the target species but also catch and kill non-target species such as birds, hedgehogs and even pets. I have seen cases where cats have been harmed by these traps.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Yes there always needs to be tough regulation of any traps that kill wildlife and even more so in the case of spring traps as like glue traps they can and do catch non-target protected species which should be a crime as many times these non-target species are protected species.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Yes I do agree however I think there should be official returns and the species caught and how many are caught. I also believe that alot of these traps need reviews to see if they are fit for purpose and to weigh up the effect they have on non-target species as well.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Yes I believe it should go further and close down these grouse moors. Any found to have illegally poisoned/shot birds of prey or other protected species should not be licensed at all and closed down. These grouse moors kill off native wildlife and replace them for game birds that get shot and usually dumped in stink pits.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

Yes as this would be an effective way at punishing estates where illegal wildlife crimes are taking place, especially with raptor persecution.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Muirburn needs to be heavily regulated due to the damage it does to the surrounding environment. These fires as shown in cases in England have led to wildfires and during drought and dry conditions it should be banned completely.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

Peatland should never be included in muirburn and instead be protected.



# Hunthill Estate - Glen Lethnot, Angus

Savills assist with the management of Hunthill Estate ( an agricultural, forestry and sporting estate of c18,000 acres, principally a commercially run grouse moor with in hand sheep enterprise)

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

There are alternative traps which provide a more humane method of controlling predators.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Operators of wildlife traps already operate to high professional standards, with many practitioners undertaking training on a voluntary basis. Training is key.

Additional regulation on the use of wildlife traps is unnecessary. Training will ensure best practice and reduce risk of non target catch.

Keepers are troubled by interference from ignorant (often through no fault of their own) members of the public who tamper with traps and risk endangering non target species. In some cases, anti shooting activists intentionally interfere with and sabotage a wildlife trap. It should be an offence to tamper with traps and the penalties for doing so should be severe.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Unique Licence Numbers:

Unique licence numbers should only be applied to live capture traps where there are animal welfare considerations. There is no need to apply licence numbers to instant kill traps.

Interference with unique licence numbers by parties with vexatious agendas is a cause for real concern and is the obvious way of sabotaging a licence holder. Provision must be made

to made to make tampering, interfering and sabotaging a wildlife trap an offence with penalties reflecting those in section 5 of the Bill.

**Modification, Suspension and Revocation:**

It would be disproportionate and unreasonable to modify, suspend or revoke a licence for any crime other than those relating to the use of wildlife traps. It would be unfair and illogical to impose penalties under a trap licensing scheme for alleged offences that have no connection to the use of wildlife traps.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

**Application:**

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless there is proof beyond reasonable doubt that an offence in relation to the use of wildlife traps had been committed. The granting of a licence may be down to one person within NatureScot and thus there is a risk that the grantor may abuse the power which they have been given to consider an application.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. It is wrong that grouse moor owners and occupiers are being singled out for a punitive civil sanctioning regime against that background.

There are already robust measures in place to deter and punish the persecution of raptors in Scotland. These include recently strengthened criminal penalties (including unlimited fines and lengthy prison sentences), the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

If licensing is introduced, it would be completely disproportionate, unreasonable and discriminatory for NatureScot to interfere with the right to shoot grouse for any reason other than robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The licensing scheme is unworkable on a practical level and unfairly singles out grouse moor operators for punitive civil sanctions without justification.

Application:

The right to shoot grouse should only be interfered with if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

The Bill gives NatureScot the discretionary power to grant or refuse licences on the basis of its perception of “appropriateness”. This is a very broad test that could result in licences being refused for any number of reasons. It cannot be right that licences are refused on lower grounds than suspension or revocation.

NatureScot’s licensing team is already overburdened. The discretionary application procedure proposed is likely to result in inordinate delays.

The Licence Period:

The Bill says licenses may only be granted for a maximum period of 12 months. Businesses will therefore not know from one year to the next whether they are able to operate. This uncertainty will severely inhibit their ability to plan for the future, take on employees, let shooting and invest in rural Scotland.

This will, in turn, disincentivise grouse shooting and moorland management more broadly, which will have adverse downstream consequences for the economy and the environment. Grouse moor management is a long-term investment and the licence duration should reflect this reality

Modification:

The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing against the license holder or person managing the land. That is unfair, disproportionate and will create uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

Suspension and Revocation:

The consequences of licence suspension or revocation would be devastating for the grouse rightsholder, their employees and the wider community. Jobs, homes and businesses (including local trades) would be lost. It would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or guidance contained in a code of practice).

The only trigger for any adverse licensing decision (be it refusal, modification, suspension or revocation) should be robust evidence that proves raptor crime had been committed on the estate by a relevant person beyond reasonable doubt.

The broad definition of relevant offences is discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.

On a one-year licensing system, the difference between suspension and revocation is academic. It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that raptor persecution had been committed by a relevant person beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

Overall, the licensing scheme is discriminatory because it will result in people with the right to shoot grouse being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management and without criminal wrongdoing being proved beyond reasonable doubt.

Please add supplementary views:

A licence refusal, suspension or revocation would be devastating to a highland estate business where all enterprises would be directly or indirectly affected.

An estate prevented from continuing with its normal business will lead to redundancies and reduced investment. The knock on affect to local trades businesses could lead to these fragile rural family businesses going out of business.

Managed grouse moors provide a healthy environment for wildlife and particularly moorland birds including grouse, curlew, lapwing, oyster catchers and golden plover besides creating an impressive bio diversity. A lack of management including predation control, muirburn/heather cutting, grazing control would lead to a degraded habitat with birdlife limited to a few scavenging crows so familiar on West Coast unmanaged hill land.

The 12 month licence proposal is completely impractical and costly in time for both grouse moor operators and NatureScot. It would lead to all sorts of complications and achieve very little.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Affording charities statutory powers to investigate any crime sets a dangerous precedent. There would be a deficit of accountability and oversight of their work.

Scottish SPCA staff are not vetted nor trained to the same standard as police officers, which could potentially compromise wildlife crime investigations.

Scottish SPCA staff are overt in their expression of partial views (including around legal land management tools and countryside activities) which could lead to investigations being tainted by bias.

The partial views of the Scottish SPCA in relation to legal land management tools and countryside activities has resulted in an erosion of trust and confidence in the charity among many landowners and land managers.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. Additional regulation has the capacity to detract from these important benefits.

Muirburn is conducted with absolute professionalism and in accordance with best practice by the vast majority of grouse moor managers. The provision of training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

The definition of peatland is arbitrary and illogical. There is no science to support the introduction of greater controls on burning where there is peat deeper than 40cm.

The licensing system puts the onus of determining whether the land is peatland or not peatland on the licence applicant, despite the policy memorandum acknowledging that Scotland does not currently have soil mapping data for peat with a depth of 40cm.

NatureScot's recent review of the evidence on muirburn confirmed that the only way to measure peat is to use a peat probe. Peat depth can be highly variable across a small area, meaning it will be impossible for an applicant to determine, with absolute certainty, whether the land to which the licence relates is peatland (defined as peat deeper than 40cm) or not peatland.

Probing every inch of ground is practically impossible and would be damaging to the peat. This approach to licensing could result in responsible people inadvertently breaking the law. It also makes the law difficult for NatureScot to enforce in practice. This lack of certainty makes the licensing system unworkable.

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.

It would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control lead to worse outcomes, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in summer months, producing ideal tinder for smouldering and wildfire ignition. This is counterintuitive to the stated licensable purpose.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

Licence refusal, suspension or revocation for contravening muirburn rules would have a major impact on habitat management and sheep and grouse (plus other moorland birds) production and ultimately, the grouse moor business. Unburnt moors increase the risk of wildfires and large burnt areas with a lack of plant and insect life, no longer provide suitable breeding habitat for moorland birds.

It is not in a keeper's interests to deviate from controlled burning. Moorland birds and livestock rely on varied ages of heather and this fits nicely with biodiversity on the hill.

Determining peat depth is problematical as peat beds vary from deep to shallow; it would only be practical to take a broad brush approach which may risk contravening the rules in places. A 40cm peat depth is not a practical threshold; a 1m depth would be more appropriate if indeed a threshold is required at all.

# Invercauld Estate

We are a privately owned estate covering approximately 95,000 acres in both Aberdeenshire and Perthshire and located entirely within the Cairngorms National Park.

The management of Invercauld Estate is based upon on the delivery of sustainability in three areas - the local economy, the environment and the community. These three aspects are fundamentally and inextricably linked. Over 70 people are employed on or by the Estate, the vast majority on the ground looking after the land and its people.

As well as running various businesses ourselves, we lease land, property and other land rights to farmers and other local businesses as well as providing several buildings to voluntary groups in the wider community. We also provide homes for local workers.

With 50% of the Estate designated as SSSI, SAC and/or SPA, we take our responsibility to the environment seriously and work to facilitate responsible public access within this wider context.

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

## **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

## **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

It is normal nowadays for the operators of wildlife traps to undergo training in their operation and, as a result, to do so to a high standard. There is no evidence to suggest that additional legislation or regulation is required; indeed this increasing professionalism suggests the contrary. Instead, good quality training should be encouraged and supported by the Scottish Government. Unless and until such training has been encouraged by the government and there is evidence that further regulation is required, it would be inappropriate and unduly onerous to require additional regulation at this point in time.

There is already an imbalance between the regulation of traps and those who illegally tamper with them. Tampering with traps illegally is serious and can potentially harm wildlife. In the last four years alone ten crimes have been reported to Police Scotland by Invercauld Estate staff relating to instances of damaged and stolen spring traps, snares and a crow trap which have been interfered with, wildlife disturbance and a vandalised crow cage. Given how exposed and unguarded traps usually are, the risk of an individual being 'set up' for a crime would be substantial were the additional legislation envisaged in the Bill to be taken forward. This cannot be in the interests of justice or the countryside.

For these two reasons, tampering with legal traps must be added to the Bill as a serious crime.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

As indicated earlier, the risk of a trap operator being 'set up' would clearly be heightened if proposed additional regulation is introduced- this includes the proposed licensing system which would materially 'raise the stakes'. The proposal for a unique licence number attached to each trap would particularly increase this risk. There is no need nor justification for such a requirement.

Were such a licensing system be introduced, to impose any penalty on the use of traps for any alleged offence which does not relate to the use of such traps would be illogical, excessive, disproportionate and entirely unreasonable.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Given the rise in raptor numbers in upland Scotland generally, the reducing number of wildlife crimes related to grouse moors according to official figures, and the significant increased and extended penalties introduced in recent years for raptor persecution- the purported rationale for licensing- it would be both an unnecessary and regressive step to introduce at this point in time further regulation.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

We have significant concerns with the workability of the proposed licensing scheme.

The licensee is proposed by the Bill to be the owner or occupier of the land where the grouse are shot- however this may not be the same legal person as that which holds either the right to shoot grouse or the right to manage the environment for encouraging grouse survival. The proposal therefore ignores the practicalities of where responsibility for managing land lies and the different parties (sometimes sharing responsibilities) often involved. If a licensing system is to be introduced, it should apply to the person with the right to shoot grouse not the owner or occupier of the land concerned.



The proposed test for granting a licence is one of 'appropriateness'- this is a very arbitrary, broad and subjective test that opens up the risk of a licence being withheld unjustifiably. It would also be illogical for a licence application to be refused on lesser grounds than that upon which it may be revoked or suspended.

Would the NatureScot be able to cope with such a licencing scheme given their current duties and additional duties likely under anticipated legislation relating to deer management?

The term of a licence is proposed to be only 12 month- this is too short a time for a business to be able to plan for investment in a grouse shooting enterprise, which can have high capital requirements for both infrastructure and labour. Such a duration would put at risk fragile rural economies by disincentivising investment. The ability for NatureScot to modify a licence at any time further would add further risk and uncertainty to an investor. It would be unfair for a licence to be modified at the sole call of an agency without a significant burden of proof beyond reasonable doubt that this is necessary.

The proposed licensing scheme also ignores the potential negative impact on wildlife should a licence be lost. Gamekeeping for red grouse also benefits many other endangered species such as golden plover, curlew and lapwing. The benefits of grouse moor management do not just benefit the person with the right to shoot grouse therefore and a licensing regime risks impacting negatively on wider biodiversity at a time the Scottish Government has said there is a biodiversity crisis- this is unconscionable. For example, research has shown that mountain hares, recently protected by the Scottish Government to the same degree as otters, are up to 35 times more likely to exist on land managed for grouse shooting compared with land which is not- such conservation should not be cancelled lightly.

If a licensing scheme was to be introduced, to restrict a licence on any basis other than evidence that proves to a criminal standard of proof that the licence holder for the land concerned was responsible for a raptor crime would be disproportionate, unreasonable, unjustified and potentially would, in an extra-judicial process, unjustly and unfairly attack an innocent party in a potentially draconian way, given the potentially devastating implications for gamekeepers and others who could suffer where a licence is withdrawn. It would potentially also open the Scottish Government to challenge under ECHR legislation. The risk of vexatious allegations is high.

An alternative to licensing of grouse shooting would be the creation of much closer dialogue by NatureScot and those who shoot grouse to identify possible areas of conflict and find practical joint solutions. This could be enabled by a commissioner to catalyse this dialogue.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Charities which may have lobbying objectives should not be empowered to uphold the law of Scotland. To enable this would be a dangerous precedent. The police are there for this purpose and for their duties to be appropriated to a third party charity. What investigations

have the Scottish Government undertaken as to the vetting procedures, to ensure no bias, or training of SSPCA officers that this proposal would apply to?

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

There is already a significant amount of legislation relating to muirburn. For example, The Muirburn Code Supplementary Information lists 23 separate offences associated with muirburn. There is therefore extensive legislation dealing with the management of muirburn for both public safety and environmental reasons already in place without any evidence this is regularly breached.

There is also an increasing body of evidence which suggests that not only does muirburn not cause harm, but it actually has environmental advantages. The Scottish Government itself recently commissioned research by Scotland's Rural College and the James Hutton Institute into the socioeconomic and biodiversity impacts of driven grouse moors. Published in 2020, the summary report from this research concluded that "Birch was the only species where prevalence appeared to decline with intensity of muirburn though blaeberry also showed evidence of lower prevalence in the highest category of muirburn. Green hairstreak butterfly, adder and kestrel showed fairly consistent occurrence across the range of muirburn measured. Golden plover and merlin showed an increased occurrence with greater burning, occurrence for these species peaked at intermediate levels of muirburn. Curlew, whinchat and lesser redpoll appeared to increase in prevalence with increasing percentage of ground classed as burnt."

Further regulation therefore risks hindering these positive benefits.

Training is undertaken more than ever by practitioners of muirburn - the Scottish Government could encourage and facilitate more such training and should do so before more regulation, for which there is no proven need, is considered.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

The proposed muirburn restriction based on a certain depth of peat would be wholly impractical to implement. There is no universal base data for such an assessment to be made by either applicants or the regulator and peat depths can vary dramatically over small distances, particularly in upland Scotland in places such as here in the Cairngorms. Muirburn is an extensive activity, taking place over large areas, and detailed peat measurement in these circumstances would be highly impractical. Muirburn is an art and a science. Good muirburn, encouraged by the training referred to in the previous answer, avoids burning peat as it is the vegetation that is the objective of the burn to encourage its natural regeneration

and thereby a wider range of vegetation ages and heights for the benefit of grouse but also other biodiversity.

Again, the proposed appropriateness test for granting a licence would be disproportionate and unreasonable as would be the proposal to only grant a licence to burn over peat where no other methods of control are available- burning is an efficient and effective tool that can help prevent wildfires such as those seen on many areas of peatland in recent years both north of the border (such as in Caithness) and south.

Any suspension of a licence should be based on the committal of a crime by the licence holder beyond reasonable doubt; to do otherwise would be unjust and discriminatory, not least because of the risk of vexatious claims of wrongdoing as already happens on social media for example.

# **IUCN UK Peatland Programme**

The International Union for the Conservation of Nature (IUCN) is a global organisation, providing an influential and authoritative voice for nature conservation. The IUCN National Committee UK Peatland Programme (IUCN UK PP) promotes peatland restoration and sustainable management in the UK through a partnership of environmental and land managing NGOs, public bodies, scientists and business (IUCN UK PP, 2023). Formed in 2009, the IUCN UK PP has provided publications, briefings and consensus-based scientific evidence, and facilitated stakeholder activities through conferences, seminars and a Commission of Inquiry on Peatlands (Bain et al., 2011).

IUCN UK Peatland Programme (IUCN UK PP) (2023) IUCN UK Peatland Programme Home Page. Available at <https://www.iucn-uk-peatlandprogramme.org/> (Accessed 04 May 2023).

Bain, C.G., Bonn, A., Stoneman, R., Chapman, S., Coupar, A., Evans, M., Gearey, B., Howat, M., Joosten, H., Keenleyside, C., Labadz, J., Lindsay, R., Littlewood, N., Lunt, P., Miller, C.J., Moxey, A., Orr, H., Reed, M., Smith, P., Swales, V., Thompson, D.B.A., Thompson, P.S., Van de Noort, R., Wilson, J.D. and Worrall, F. (2011) IUCN UK Commission of Inquiry on Peatlands. Edinburgh: IUCN UK Peatland Programme.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Don't know

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Don't know

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Don't know

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Don't know

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Don't know

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

We welcome regulation for the making of muirburn and support the intentions and structure of the muirburn licensing parts of the Bill.

There is global recognition of the importance of peatlands, particularly in relation to climate change and biodiversity, with resolutions from the International Union for the Conservation of Nature (IUCN) and the United Nations Environment Programme (UNEP) calling on nations to restore and sustainably manage their peatlands (IUCN 2016, UNEP 2019). Scotland is seen as a world leader, both in having the expertise to restore peatlands, as well as in the way it is strategically tackling its peatland conservation and restoration. The 26th Conference of the Parties (COP26) climate summit, in Glasgow in November 2021, highlighted Scotland's achievements and reinforced the need for all nations to increase their efforts on peatlands to meet climate and biodiversity challenges.

The IUCN UK PP Commission of Inquiry (Bain et al., 2011) demonstrated widespread support among the land managing community for the protection and restoration of peatlands, with recognition of the benefits for sustainable game management. The IUCN UK PP position statement on Burning and Peatlands states that "the overwhelming scientific evidence base points to burning on peatlands causing damage to key peatland species, peatland ecosystem health, and the sustainability of peatland soils" (IUCN UK PP 2023). In view of the significance of Scotland's peatlands for carbon, water and biodiversity, and the huge costs to society arising from damaged peatlands, it is important for burning to be regulated (Committee on Climate Change, 2020).

Muirburn regulation is also important to protect the huge societal investment in the restoration of peatlands (including work undertaken on estates managed for grouse),

through the Scottish Government Peatland ACTION programme, as well as significant private investment from environmental bodies, European Union funding and lottery funding.

Bain, C.G., Bonn, A., Stoneman, R., Chapman, S., Coupar, A., Evans, M., Gearey, B., Howat, M., Joosten, H., Keenleyside, C., Labadz, J., Lindsay, R., Littlewood, N., Lunt, P., Miller, C.J., Moxey, A., Orr, H., Reed, M., Smith, P., Swales, V., Thompson, D.B.A., Thompson, P.S., Van de Noort, R., Wilson, J.D. and Worrall, F. (2011) IUCN UK Commission of Inquiry on Peatlands. Edinburgh: IUCN UK Peatland Programme. <https://www.iucn-uk-peatlandprogramme.org/resources/commission-inquiry/inquiry-findings-2011>

Committee on Climate Change (CCC) (2020) Policies for the Sixth Carbon Budget and Net Zero. <https://www.theccc.org.uk/wp-content/uploads/2020/12/Policies-for-the-Sixth-Carbon-Budget-and-Net-Zero.pdf>

International Union for the Conservation of Nature (IUCN) (2016) WCC-2016-Res-043-EN Securing the future for global peatlands. [https://portals.iucn.org/library/sites/library/files/resrecfiles/WCC\\_2016\\_RES\\_043\\_EN.pdf](https://portals.iucn.org/library/sites/library/files/resrecfiles/WCC_2016_RES_043_EN.pdf)

IUCN UK Peatland Programme (IUCN UK PP) (2023) Position Statement: Burning and Peatlands, Version 4 April 2023. [https://www.iucn-uk-peatlandprogramme.org/sites/default/files/2023-04/Position%20Statement%20-%20Burning%20and%20Peatlands%20V4%20-%20FINAL\\_1.pdf](https://www.iucn-uk-peatlandprogramme.org/sites/default/files/2023-04/Position%20Statement%20-%20Burning%20and%20Peatlands%20V4%20-%20FINAL_1.pdf)

United Nations Environment Programme (UNEP) (2019) Resolution adopted by the United Nations Environment Assembly on 15 March 2019 4/16. Conservation and sustainable management of peatlands. <https://wedocs.unep.org/bitstream/handle/20.500.11822/28480/English.pdf?sequence=3&isAllowed=y>

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

General comments

The proposed licensing system for muirburn is welcomed; in particular Section 102 of the Bill which states that “muirburn for game management or for improvement of grazing is not permitted on peatland”. Scientific evidence highlights the damaging impact of burning on peatlands, particularly where there is repeat burning, as in muirburn (e.g., Bain et al., 2011; Glaves et al., 2013; Lindsay, 2010; Lindsay, Birnie and Clough, 2014).

We are also pleased that the proposed licensing system applies to all peatlands and not just those within statutory protected areas. As highlighted by the recent Committee on Climate Change (CCC) update to parliament (when referring to legislation elsewhere in the UK), focusing on protected sites only would leave peatlands vulnerable to a potentially damaging practice that impacts the resilience of peat systems (CCC, 2023).

We note the administrative licence scheme established by the Bill, including a Code of Practice which will in practice be administered by SNH, and we would hope that this can be implemented by the start of the muirburn season on 1st October 2024. We also hope that sufficient financial and staff resources will be made available to meet this timescale and to allow effective assessment and compliance monitoring. Having a charging scheme based on full cost recovery could be one way of ensuring adequate resources for SNH to fulfill their role under the proposed licensing scheme, without detracting from their wider work.

Whilst we support the overall intention and structure of the Bill, a number of concerns are highlighted below:

#### Muirburn Code

The Muirburn Code will be important to the success of the licensing scheme's stated objective "to ensure that muirburn is being undertaken in an environmentally sustainable manner, with due consideration of all the possible consequences". It is important that the Muirburn Code is robust, clear and scientifically evidence-based. Production of the Code by NatureScot and sign-off by the Scientific Advisory Committee would be a transparent and accountable means of achieving this.

We would encourage the production of supportive guidance to allow for accurate survey and applicant information. Under the proposals, applicants are being asked to determine if a site is peatland or not, and therefore whether to submit a licence application. It is also important that applications and their assessments are properly checked by a competent authority. This is particularly important given the provision in Section 9(3) of a specific circumstance where an offence is not committed if a person has a muirburn licence in relation to land, and the licence is for land that is not peatland, but the licence holder later finds out that the land is peatland. Guidance for land managers on determining the presence of peat, and its depth, will be particularly important.

Section 12(1)(b) states that licences must define the land area to which the licence applies to (i.e., the application area is mapped). Will this information be made publicly available to allow for full transparency?

We note that a licence holder (and person making muirburn) must only "have regard to" to the Muirburn Code and would recommend that stronger wording is used to ensure compliance with the Code.

#### Monitoring of compliance

Section 9 of the Bill criminalises the making of muirburn unless it is done in accordance with a muirburn licence. Will there be any monitoring, e.g., via remote sensing technology or similar, to check that burning is not taking place without a licence, and will there be any requirement for the landowner to report to the regulator, e.g., if a burn gets out of control and results in a deep burn or the fire spreading to an unlicensed area?

#### Definition of peat/peatland

The definition of land that is peatland is set out in Section 18:

“peat” means soil which has an organic content (that is, content consisting of living and dead plant and animal material) of more than 60%,

“peatland” means land where the soil has a layer of peat with a thickness of more than 40 centimetres.

It should be noted that peatland science in the UK and Internationally frequently uses 30% organic content in defining peat and many peatlands can be much shallower than 40cm (Joosten et al., 2017, Lourenco et al., 2022, UNEP 2022) It is concerning that the definition used in the Bill could leave significant areas of peat and peatland of importance for biodiversity, carbon and water vulnerable to the damaging effects of burning, and potentially increase burning on shallower peatlands by directing muirburn away from deeper peat areas. False distinctions can be drawn between deep and shallow peat in terms of their ecosystem functioning when they often function as part of larger, hydrologically connected peatland systems (Lindsay, 2010). Excluding shallower peat from burning protection can have damaging consequences for the achievement of climate change and biodiversity goals.

Whilst it is appropriate for regulation to define the area to which the laws apply, we would encourage that consideration is first given to the full extent of peat and peatland whose ecosystem functions support key environmental objectives for biodiversity, climate change and water. Secondly, rather than attempt to define peatland on the basis of policy alone, regulation should start with a science-based definition, and then explain any constrained application of the policy to specific aspects of peatland.

We note that the Bill does allow for review of peat depth criteria and we would encourage a science-based consideration as soon as possible.

#### Purposes for muirburn

We note that in Section 10(2)(b), the Bill sets out the purposes for which muirburn is permissible on peatland, and while we acknowledge exemptions may be necessary, we would expect the Muirburn Code and supporting guidance to make it clear that burning would be applicable in very few situations.

The IUCN UK PP Position Statement ‘Burning and Peatlands’ (IUCN UK PP 2023) addresses burning in relation to both restoration and wildfire control. Key points from that statement include:

#### Restoring the natural environment

- Burning has not been shown to be an effective method of restoring peatland habitats and brings risk of further damage and deterioration.
- The majority of peatland restoration projects across the UK are able to achieve relatively rapid development of vegetation communities typical of blanket bog (within c. 5-10 years) through hydrological restoration. Rewetting a peatland tends to be sufficient, as any undesirable vegetation, such as dominant heather cover, dies back naturally to be replaced by Sphagnum-dominated conditions associated with healthy peatbog habitat (Cris et al., 2011). Effective restoration of peatlands has been widely achieved across Scotland without the need for burning; for example, there are over 200 Peatland ACTION restoration sites in



Scotland that are delivering good practice restoration and have not required burning as part of this process.

#### Wildfire:

- The most effective long-term sustainable solution for addressing wildfire risk on peatlands is to return the sites to fully functioning bog habitat by removing those factors that can cause degradation, such as drainage, unsustainable livestock management and burning regimes. Rewetting and restoring will naturally remove the higher fuel load from degraded peatland vegetation.
- There are numerous scientific studies which demonstrate that wet peatlands are less prone to wildfire (e.g., Grau-Andres et al., 2018; Swindles et al., 2019; Turetsky et al., 2015; Wilkinson et al., 2023), or that rewetting is a better strategy than burning to achieve peatlands that are resilient to wildfire (Baird et al., 2019).
- There is evidence that muirburn directly causes a proportion of wildfires that occur on moorland, although uncertainty remains regarding this proportion (Holland et al., 2022). Wildfires on peatland are rare outside of situations where people have been involved in the origin of the fire, whether due to an out-of-control managed burn, arson or carelessness (Glaves et al., 2020).

When examining the evidence on wildfire impacts, it is important to distinguish between studies based on dry heath/grasslands on shallow soils, or generic 'moorland', as opposed to peatland sites. Concerns over wildfire risk do not generally apply to wet blanket bog habitat where there is naturally minimal dry biomass load and high water tables to prevent burning of the peat mass.

We welcome Section 11(b)(ii) in giving further constraint to burning on peatland by requiring that licences only be granted if "no other method of vegetation control is available". We would urge that the Muirburn Code describes what methods of vegetation control should be considered as part of the application assessment. We would also encourage guidance to include peatland rewetting (as part of peatland restoration) as a long-term mechanism for vegetation control.

Bain, C.G., Bonn, A., Stoneman, R., Chapman, S., Coupar, A., Evans, M., Gearey, B., Howat, M., Joosten, H., Keenleyside, C., Labadz, J., Lindsay, R., Littlewood, N., Lunt, P., Miller, C.J., Moxey, A., Orr, H., Reed, M., Smith, P., Swales, V., Thompson, D.B.A., Thompson, P.S., Van de Noort, R., Wilson, J.D. and Worrall, F. (2011) IUCN UK Commission of Inquiry on Peatlands. Edinburgh: IUCN UK Peatland Programme. <https://www.iucn-uk-peatlandprogramme.org/resources/commission-inquiry/inquiry-findings-2011>

Baird, A.J., Evans, C.D., Mills, R., Morris, P.J., Page, S.E., Peacock, M., Reed, M., Robroek, B.J.M., Stoneman, R., Swindles, G.T., Thom, T., Waddington, J.M. and Young, D.M. (2019) 'Validity of managing peatlands with fire', *Nature Geoscience*, 12, pp. 884-885. <https://eprints.whiterose.ac.uk/152424/>

Committee on Climate Change (CCC) (2023) Progressing in adapting to climate change 2023. Report to Parliament. <https://www.theccc.org.uk/wp-content/uploads/2023/03/WEB-Progress-in-adapting-to-climate-change-2023-Report-to-Parliament.pdf>

Cris, R., Buckmaster, S., Bain, C. and Bonn, A. (Eds.) (2011) UK Peatland Restoration – Demonstrating Success. Edinburgh: IUCN UK Peatland Programme. <https://www.iucn-uk-peatlandprogramme.org/resources/restoration-practice/demonstrating-success>

Glaves, D.J., Morecroft, M., Fitzgibbon, C., Lepitt, P., Owen, M. and Phillips, S. (2013) Natural England Review of Upland Evidence 2012 - The effects of managed burning on upland peatland biodiversity, carbon and water. Natural England Evidence Review, Number 004. <https://publications.naturalengland.org.uk/publication/5978072?category=4993022171283456>

Grau-Andres, R., Davies, G.M., Gray, A., Scott, E.M., Waldron, S. (2018) 'Fire severity is more sensitive to low fuel moisture content on Calluna heathlands than on peat bogs', *Science of the Total Environment*, 616-17, pp. 1261-1269. <https://eprints.gla.ac.uk/150484/>

Holland, J.P., Pollock, M., Buckingham, S., Glendinning, J. and McCracken, D. (2022) Reviewing, assessing and critiquing the evidence base on the impacts of muirburn on wildfire prevention, carbon storage and biodiversity. NatureScot Research Report 1302. <https://www.nature.scot/doc/naturescot-research-report-1302-reviewing-assessing-and-critiquing-evidence-base-impacts-muirburn>

IUCN UK Peatland Programme (IUCN UK PP) (2023) Position Statement: Burning and Peatlands, Version 4 April 2023. [https://www.iucn-uk-peatlandprogramme.org/sites/default/files/2023-04/Position%20Statement%20-%20Burning%20and%20Peatlands%20V4%20-%20FINAL\\_1.pdf](https://www.iucn-uk-peatlandprogramme.org/sites/default/files/2023-04/Position%20Statement%20-%20Burning%20and%20Peatlands%20V4%20-%20FINAL_1.pdf)

Joosten, H., Couwenberg, J., Moen, A. and Tanneberger, F. (2017) 'Mire and peatland terms and definitions in Europe', in Joosten, H., Tanneberger, F. and Moen, A. (eds.) *Mires and Peatlands of Europe – Status, Distribution and Conservation*. Stuttgart: Schweitzerbart Science Publishers, pp. 65–96.

Lindsay, R. (2010) *Peatbogs and carbon: a critical synthesis to inform policy development in oceanic peat bog conservation and restoration in the context of climate change*. London: University of East London and RSPB Scotland. <https://repository.uel.ac.uk/item/862y6>

Lindsay, R., Birnie, R. and Clough, J. (2014) IUCN UK Peatland Programme Briefing Note No.8: Burning. Edinburgh: IUCN UK Peatland Programme. <https://www.iucn-uk-peatlandprogramme.org/sites/default/files/2019-05/8%20Burning%20%20final%20-%205th%20November%202014.pdf>

Lourenco, M., Fitchett, J.M. and Woodborne, S., (2022) 'Peat definitions: A critical review', *Progress in Physical Geography: Earth and Environment*, 0(0), pp. 1-15 <https://journals.sagepub.com/doi/pdf/10.1177/03091333221118353>

Swindles, G.T., Morris, P.J., Mullan, D.J., Payne, R.J., Roland, T.P., Amesbury, M.J., Lamentowicz, M., Turner, T.E., Gallego-Sala, A., Sim, T., Barr, L.D., Blaauw, M., Blundell, A., Chambers, F.M., Charman, D.J., Feurdean, A., Galloway, J.M., Gałka, M., Green, S.M., Kajukalo, K., Karofeld, E., Korhola, A., Lamentowicz, L., Langdon, P., Marcisz, K., Mauquoy, D., Mazei, Y.A., McKeown, M.M., Mitchell, E.A.D., Novenko, E., Plunkett, G., Roe, H.M., Schoning, K., Sillasoo, U., Tsyganov, A.N., van der Linden, M., Väliranta, M. and Swindles, B.W. (2019) 'Widespread drying of European peatlands in recent centuries', *Nature*

Geoscience, 12, pp. 922-928. <https://pure.york.ac.uk/portal/en/publications/widespread-drying-of-european-peatlands-in-recent-centuries>

Turetsky, M.R., Benscoter, B., Page, S., Rein, G., van der Werf, G.R. and Watts, A. (2014) 'Global vulnerability of peatlands to fire and carbon loss', *Nature Geoscience*, 8(1), pp. 11-14. <https://www.nature.com/articles/ngeo2325>

United Nations Environment Programme (UNEP) (2022) *Global Peatlands Assessment – The State of the World's Peatlands: Evidence for action toward the conservation, restoration, and sustainable management of peatlands*, Global Peatlands Initiative Main Report. Nairobi: United Nations Environment Programme. <https://www.unep.org/resources/global-peatlands-assessment-2022>

Wilkinson, S.L., Andersen, R., Moore, P.A., Davidson, S.J., Granath, G. and Waddington, J.M., 2023. Wildfire and degradation accelerate northern peatland carbon release. *Nature Climate Change*, pp.1-6. <https://www.nature.com/articles/s41558-023-01657-w>

# Kingairloch Estate Limited

14,000 private estate, which invests heavily in the environment and is committed to woodland expansion, habitat improvement and peatland restoration through grant aid and private investment.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

It would be possible to maximise adherence to best practice and reduce the probability of non-target catch through the provision of training alone. I see no need for additional regulation other than in making yet another representation to private land owners in how their contribution is not welcome. I would recommend a strengthening of the laws against tampering with humane / legal traps in line with the strengthening of laws in tackling wildlife crime.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

It would be possible to maximise adherence to best practice and reduce the probability of non-target catch through the provision of training alone. I would be interested to see the evidence which dictates yet another licensing scheme is proportionate to the number of cases where it is believed malpractice has occurred by untrained individuals.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

I believe this is a misinformed clause which tries to single out a land use which shares management practices with many other land uses, yet has been singled out due to a very

very small minority of criminals whom have chosen to break the law and bring this land use and tradition which has many environmental benefits into questionable viability. This proposal is disproportionate and uncalled for.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

I do not believe this is a progressive move which either recognises the significant investment made into Scottish land and environment by private landowners nor is it designed to make sporting assets sustainable to estates which rely highly on grouse shooting as a sporting revenue. Specific details of this proposed licensing system are designed to make these activities be unviable, specifically a 12 month license period. I think this is a reckless proposal which have a significant impact on the rural economy and jobs.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Affording charities which are not impartial the ability to perform investigative powers of the police is both reckless and unprecedented. The very proposal not only undermines the validity of this consultation but call into question the overall objective of this proposed bill.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

It would be possible to maximise adherence to best practice and reduce the probability of non-target catch through the provision of training alone. I see no need for additional regulation other than in making yet another representation to private landowners in how their contribution to habitat management and wildfire risk is not welcome. I think this is a reckless proposal which have a significant impact on the wild fire risk in Scotland which will in turn threaten the Scottish Governments afforestation / Carbon targets.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? -  
Please provide your reasons for your answer in the box provided.**

No I do not agree. The proposal is not based on scientific data, and also makes limits based on a database of peat depths which 1) do not exist and 2) will be prohibitively expensive / time consuming to achieve over large areas. It would be impossible to apply such a blanket rule to the real world environment without risk of prosecution. Not to mention it is nearly impossible to enforce and thus is not realistic to even propose such a set of rules.

## **Laudato Si' Group (Catholic green group)**

We are a parish group which promotes the environmental and animal rights messages contained in Pope Francis' Encyclical Laudato Si'.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Wildlife should always be treated with respect.

We can't just steal the world from them, and expect them to disappear, it's their home too.

Control methods should be humane and non-lethal. Glue traps are fiendishly cruel.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Wildlife traps encourage illegal activity.

Only non-lethal, humane traps should be allowed and produced. This would reduce criminal activity. How else can you stop the poisoning of protected species?

The use of poison should be made illegal - it is indiscriminate, cruel and shows a contempt for wildlife.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

But the traps allowed should be humane. If lethal traps are thought to be needed, the reason should have to be given and it should be shown how non-lethal methods have been tried and are not working.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The shooting of red grouse should be made illegal.

This activity is environmentally damaging and detrimental to wildlife and habitats, which we should be protecting.

It seems totally unreasonable that grouse shooters are allowed to abuse our lands and our wildlife to maintain their entertainment of abusing grouse.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Don't know

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The only way to address these concerns is to outlaw the 'sport' of grouse shooting.

By 2023 we should have learned some respect for wildlife, and put protection of wildlife and habitats as a priority.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Investigating wildlife crime receives little attention and little funding.

It should be considered an essential part of criminal investigations.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

In these times of global warming it is very irresponsible to allow people to set fires in the countryside.



We need to rewild land and reduce management to the minimum.

Where management is needed, it should be benign. Methods which do no harm should be used.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Don't know

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

The reasons for allowing muirburn are too numerous.

Muirburn should be banned, with licensed exceptions allowed only if considered necessary.

Grazing livestock should not be a reason, as we need to transition from animal agriculture to organic arable farming for the health of the planet, people's health and respect for animals.

You need to see the bigger picture in these times of environmental emergencies.

Managing habitats for moorland game is not an acceptable reason for setting fire to the land. All blood sports should be outlawed. They are a relic of outdated times.

Conserving, restoring, enhancing or managing the natural environment should not be done by harmful means, but by more benign means.

# **League Against Cruel Sports, Scotland**

Driven by compassion and empowered by knowledge, the League Against Cruel Sports protects animals on our sanctuaries, carries out investigations to expose law-breaking and cruelty to animals and campaigns for stronger animal protection laws.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

They are cruel. It is a good use of this Bill to ban them.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Whilst recognising that this Bill is not aimed at ending sport shooting of grouse, we believe that it is an opportunity to consider the ethics of killing hundreds of thousands of other animals that are thought to predate on grouse, with the intent of producing an unnatural over-abundance of grouse to be shot for sport. We believe that the Government has a duty to consider the moral principles that should govern and underpin this legislation. Killing hundreds of thousands of animals to ensure that more grouse can be shot for entertainment, we believe, fails that test. Furthermore, polling carried out for the REVIVE coalition by the Diffley Partnership shows that around 66% of people in Scotland agree and are opposed to this practise.

The League Against Cruel Sports (LACS) publication "Hanged by the Feet Until Dead" - <https://revive.scot/wp-content/uploads/Hanged-by-the-feet-until-dead.pdf> analyses data from the biggest survey of traps and snares conducted in Scotland. Seven estates were surveyed – they ranged from two that were extensively managed for grouse to two that were hardly managed at all. Extrapolations from the data suggest that hundreds of thousands of foxes, stoats and weasels are killed to produce an over-abundance of grouse. Because of the indiscriminate nature of the traps and snares, 40% of animals found in traps and snares were "non target" species such as hedgehogs. A shorter summary of this report "Calculating Cruelty" can be found here - <https://revive.scot/wp-content/uploads/Calculating-Cruelty.pdf>. It should also be noted that on top of the results of our survey, an additional unknown number of animals such as foxes and crows are routinely shot by shooting estates.

Whilst we welcome tighter regulation on their use, LACS believes that it is unethical for them to be used to increase the number of grouse to be shot for entertainment.

Snares are primitive, cruel and indiscriminate. LACS has long campaigned for them to be banned and we look forward to this Bill being the instrument that does that. A joint

LACS/Onekind report on the use of Traps and Snares can be found here - <https://revive.scot/wp-content/uploads/revive-report-lo-res-spreads.pdf>

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

The proposed licensing scheme is welcomed – as far as it goes. A statutory training scheme administered by NatureScot will be better than an industry led scheme. Much will depend on the method and content of the training which the Bill empowers, but it would be more encouraging if the Bill spelled out that considerations of animal welfare must be included in the scheme.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

LACS and our partners in the REVIVE coalition consider grouse shooting estates to be at the centre of a circle of destruction that has negative impacts on animal welfare, the environment and local communities. On-going concerns about the killing of endangered birds of prey on or around shooting estates have persisted over the years and voluntary codes of conduct have failed to stop the illegal killing. The introduction of legislation that makes it clear that shooting estate licenses can be withdrawn if birds of prey continue to be shot, trapped, or poisoned is welcomed.

It will be imperative for the success of this licensing scheme that the licenses are only given to specific individuals and not to trusts and companies who have been difficult to hold accountable in the past.

LACS also believes that the licensing scheme should be used to acquire data on the number of grouse shot and the number and species of animals killed by all methods of predator “control”.

Despite LACS opposition to killing any animal for sport, we also call for this legislation to take the opportunity to ensure that if grouse continue to be shot for entertainment, then those who participate in this “sport” are competent and qualified to use shotguns. At present, it is possible to shoot grouse without even having a shotgun license. As long as there is a shotgun license-holder present it is possible for a complete novice to simply try their best to cleanly shoot grouse - a species prized for its speed and difficulty to shoot by the hunting fraternity. We have concerns about the welfare impact on any shot grouse, but this is hugely amplified when novice or inexperienced shooters are involved. It should be noted that this is not the case in the similar area of deer culling. When deer are shot, the shooter must be a highly qualified marksman or woman.

We also believe that the license should require full reporting on the use of medicated grit as it contains a highly toxic chemical.

LACS also believes that list of wildlife crime offences that should be considered for licence removal should include Food and Environmental Protection Act (FEPA) in relation to illegal poisoning. and read across to muirburn offences under other muirburn legislation.

We also call for provisions that ensure that this legislation is not circumnavigated by estates changing the species being shot for sport (such as Pheasants or Red Legged Partridges).

LACS also agrees that a five yearly survey of keystone raptor species should be undertaken as a part of this legislation and its cost included in the licensing fees.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

As long as the system devised by NatureScot is adequately funded to ensure full compliance. We therefore recommend a license fee that would recover the full cost of licensing and compliance monitoring. This would be in-line with licenses issued by SEPA.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

The SSPCA already have such powers where animals are under the "control of man" and the addition of their professional expertise in enforcing wildlife crime would assist Police Scotland and NatureScot in reducing wildlife crime in the future.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

We need to protect public investment in peatland restoration. There is also a need for more protection of SSSIs, SACs and SPAs.

The role of muirburn in creating wildfires needs to be better understood.

The League believes that the same ethical considerations referred to in our answer to question 2 apply to muirburn. Heather should never be burnt for the purpose of increasing the number of grouse that are available to be shot for entertainment.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

We welcome the muirburn season ending on 15 April. However, we agree with the RSPB that this should go further back to the end of March on the basis of breeding birds and climate change and the risk of wildfires.

We are concerned that the purpose of needing to ensure that wildfire suppression will result in circumvention of legislation. We suggest the legislation requires that all alternative solutions (such as cutting) have been explored to the satisfaction of NatureScot before using fire as wildfire suppression technique is licensed.

We agreed with the Scottish Government's stated intent that there should be no burning of heather on any peat. We note that the Bill now precludes burning on peat more than 40cms in depth. If burning on peat is to continue, we believe that the depth should be as little as possible and that there should be altitudinal limits to prevent any burning on shallow and sensitive peatlands at higher elevations which are at risk of erosion.

# Linton Farm Partnership

Arable and sporting estate of circa 2000 acres West of Aberdeenshire.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

I think that operators of wildlife traps adhere to high professional standards, with many practitioners undertaking training voluntarily.

I don't think that additional regulation on the use of wildlife traps is necessary. It would be better to use training to maximise adherence to best practice and reduce the probability of non-target catch.

I strongly believe it should be an offence to tamper with, interfere or sabotage a wildlife trap. The penalties for this should reflect the spring traps penalties in section 5 of the Bill.

I am really disappointed that interference, tampering and sabotage of traps has not been made a standalone offence in the introduced Bill.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

I think it would be disproportionate and unreasonable to subject wildlife traps that kill instantly to unique licence numbers. Unique licence numbers should only be applied to live capture traps where there are obvious animal welfare considerations. Kill traps are deployed far more extensively, which would substantially increase administrative burdens for the licence holder and the estate.

I am really concerned about interference with unique licence numbers by those with anti-shooting agendas. It would be an obvious and easy way to sabotage a gamekeeper, potentially putting employment at risk. This risk is exacerbated by the proposal to include unique licence numbers on kill traps which are extensively deployed. It must be an offence to

tamper, interfere or sabotage a wildlife trap, with penalties reflecting those in section 5. I think it would be disproportionate, unreasonable and unfair to impose penalties under a trap licensing scheme for alleged offences that have no connection to the use of wildlife traps.

I think it would be disproportionate, unreasonable and unfair to suspend a licence because of the initiation of a police investigation. NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed beyond reasonable doubt.

Police investigations can easily be triggered by a malicious allegation from someone with an anti-shooting agenda, which would put my employment at risk. The inability to use wildlife traps would be career-ending, and there is a complete lack of safeguards to stop this from happening vexatiously. I think it would be disproportionate, unreasonable and unfair to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest an offence in relation to the use of wildlife traps had taken place beyond reasonable doubt. The vagueness of the appropriateness test does not give me confidence that NatureScot would grant me a licence on which my employment depends.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

I think there are already robust measures in place to deter and punish the persecution of raptors in Scotland. These include recently strengthened criminal penalties, the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

Wildlife crime reports indicate that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. This calls into question the need for licensing.

I think it would be completely disproportionate, unreasonable and discriminatory to suspend or revoke a licence to shoot grouse on the basis of any crime other than raptor persecution.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing. I think this is grossly unfair, disproportionate and creates total uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence beyond reasonable doubt of raptor crime.

I think it would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or a code of practice).

I think that the only trigger for suspension or revocation should be robust evidence that the relevant person has committed raptor crime. The definition of relevant offences is broad and discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.

The consequences of licence suspension or revocation are huge. I would lose my job, my home and associated businesses would either shut down or suffer.

I am really concerned about the proposed one-year licensing system, which means there would be no material difference between licence suspension and revocation.

I think it would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation, which can easily be triggered by malicious or vexatious allegations.

Overall, I think this licensing scheme is hugely discriminatory. It will result in people with the right to shoot grouse - and by extension employees like me - being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management. It feels like the Scottish Government are persecuting me, my family and my livelihood.

I think it would be completely disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. 'Appropriateness' is a very broad test that could result in licences being refused for any number of reasons. It could also result in licences being refused for reasons that could not justify licence suspension or revocation.

Licences should last in perpetuity. It would be disproportionate, unreasonable and unworkable to renew licences annually. Grouse moor management is a long-term investment and the licence duration should reflect this reality.

Annual renewals, combined with the appropriateness test, would provide no certainty to my employer and severely restrict an estate's ability to plan for the future. This will make grouse shooting and moorland management unviable, with huge consequences for people like me. I would lose my job and my home, and the wildlife I care for would suffer as a result.

NatureScot's licensing team is already overburdened. I do not have trust or confidence that they could take on another licensing function, let alone a scheme that would see them deciding whether or not it is 'appropriate' to grant licences every single year.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No



**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

I think that giving charities statutory powers to investigate any crime sets a dangerous precedent. There is no accountability and oversight of their work.

The Scottish SPCA staff are not vetted or trained to the same standard as police officers, which would compromise wildlife crime investigations.

I am aware that Scottish SPCA staff publicly express partial views (often concerning legal land management tools and countryside activities) which could lead to investigations being tainted by bias.

The partial views held by the Scottish SPCA in relation to legal land management tools and countryside activities has eroded my trust and confidence in their ability to investigate impartially.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science shows that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. I have also seen first-hand the benefits of muirburn for species like curlew, golden plover and merlin. Additional regulation has the capacity to detract from these important benefits.

As a muirburn practitioner, I know that muirburn is conducted with absolute professionalism and in accordance with best practice guidance by the vast majority of grouse moor managers. Training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

I have seen no scientific evidence to support the introduction of greater controls on burning where there is peat deeper than 40cm. In addition, there is no evidence to suggest that muirburn is harmful on peat deeper than 40cm. The Peatland ES-UK study demonstrates how beneficial muirburn can be for peatland ecosystems, regardless of peat depth.

The licensing system puts the onus on people like me to determine where the land is peatland or not peatland. There are no peatland maps denoting where the peat is 40cm in

depth, meaning the only available option is to use a peat probe. Even then, the variability of peat depth across small areas means that every square inch of the land would need to be probed – which is not practical and would actually damage peat. The licensing scheme provides no certainty and is unworkable.

I think it would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.

I think it would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control are not as effective as muirburn, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in summer months, producing ideal tinder for smouldering and wildfire ignition. This could actually increase wildfire risk.

I think it would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

# **Lochside Cottages LTD**

Self catering holiday lets. We have always had a good relationship with local shoots and let cottages during the off season to shooters and that keeps us ticking over in the winter.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

never come across them before.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

There is plenty of regulation in place already

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

People who use the traps should be licenced and have a good knowledge of what they are doing.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

I believe there are regulations in place which are policed, it is a case of keeping on top of unscrupulous landowners and their staff who commit the crimes.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

I think most shoots are probably very well run and mindful of the rules and regulations. I don't think we need NatureScot or Scottish ministers meddling in something that has work pretty well for generations.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

I feel they are anti any form of country pursuit and would not be fair to the country way of life. The police wild life officers would be better and probably more understanding and suitable.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

I sure most hill managers are very capable and safe but there will be some who are not.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

Makes sense

# Managed Estates

We are a land management company.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Operators of wildlife traps already operate to very high standards, with many practitioners undertaking training on a voluntary basis.

There is no evidence that additional regulation on the use of wildlife traps is necessary. It would be possible to maximise adherence to best practice and reduce the probability of non-target catch through the provision of training alone.

It should be an offence to tamper with, interfere with or sabotage a wildlife trap. The penalties for this should reflect those relating to the use of spring traps in section 5 of the Bill

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Unique Licence Numbers:

The proposal to subject wildlife traps that kill instantaneously to unique licence numbers is disproportionate and likely to result in unintended consequences. Unique licence numbers should only be applied to live capture traps where there are heightened animal welfare considerations.

Interference with unique licence numbers by parties with vexatious agendas is a cause for real concern and is the obvious way of sabotaging a licence holder. Provision must be made to make tampering with, interfering with and sabotaging a wildlife trap an offence with penalties reflecting those in section 5 of the Bill.

Modification, Suspension and Revocation:

It would be disproportionate and unreasonable to modify, suspend or revoke a licence for any crime other than those relating to the use of wildlife traps. It would be unfair and illogical to impose penalties under a trap licensing scheme for alleged offences that have no connection to the use of wildlife traps.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

Application:

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless there is proof beyond reasonable doubt that an offence in relation to the use of wildlife traps had been committed.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. It is wrong that grouse moor owners and occupiers are being singled out for a punitive civil sanctioning regime against that background.

There are already robust measures in place to deter and punish the persecution of raptors in Scotland.

These include recently strengthened criminal penalties (including unlimited fines and lengthy prison sentences), the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

If licensing is introduced, it would be completely disproportionate, unreasonable and discriminatory for NatureScot to interfere with the right to shoot grouse for any reason other than robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The licensing scheme is unworkable on a practical level and unfairly singles out grouse moor operators for punitive civil sanctions without justification.

#### Application:

The right to shoot grouse should only be interfered with if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

The Bill gives NatureScot the discretionary power to grant or refuse licences on the basis of its perception of “appropriateness”. This is a very broad test that could result in licences being refused for any number of reasons. It cannot be right that licences are refused on lower grounds than suspension or revocation.

NatureScot’s licensing team is already overburdened. The discretionary application procedure proposed is likely to result in inordinate delays.

#### The Licence Period:

The Bill says licenses may only be granted for a maximum period of 12 months. Businesses will therefore not know from one year to the next whether they are able to operate. This uncertainty will severely inhibit their ability to plan for the future, take on employees and invest in rural Scotland.

This will, in turn, disincentivise grouse shooting and moorland management more broadly, which will have adverse downstream consequences for the economy and the environment. Grouse moor management is a long-term investment and the licence duration should reflect this reality

#### Modification:

The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing against the license holder or person managing the land. That is unfair, disproportionate and will create uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

#### Suspension and Revocation:

The consequences of licence suspension or revocation would be devastating for the grouse rightsholder, their employees and the wider community. Jobs, homes and businesses would be lost. It would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or guidance contained in a code of practice).

The only trigger for any adverse licensing decision (be it refusal, modification, suspension or revocation) should be robust evidence that proves raptor crime had been committed on the estate by a relevant person beyond reasonable doubt.

The broad definition of relevant offences is discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.

On a one-year licensing system, the difference between suspension and revocation is academic. It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that raptor persecution had been committed by a relevant person beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

Overall, the licensing scheme is discriminatory because it will result in people with the right to shoot grouse being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management and without criminal wrongdoing being proved beyond reasonable doubt

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Affording charities statutory powers to investigate any crime sets a dangerous precedent. There would be a deficit of accountability and oversight of their work.

Scottish SPCA staff are not vetted nor trained to the same standard as police officers, which could potentially compromise wildlife crime investigations.

Scottish SPCA staff are overt in their expression of partial views (including around legal land management tools and countryside activities) which could lead to investigations being tainted by bias.

The partial views of the Scottish SPCA in relation to legal land management tools and countryside activities has resulted in an erosion of trust and confidence in the charity among many landowners and land managers.

We have clients who have been targeted by SSPCA staff, often acting illegally themselves. On every occasion the police have found no evidence of illegal acts.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**



The latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. Additional regulation has the capacity to detract from these important benefits.

Muirburn is conducted in accordance with best practice by the vast majority of grouse moor managers.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

The definition of peatland is arbitrary and illogical. There is no science to support the introduction of greater controls on burning where there is peat deeper than 40cm.

The licensing system puts the onus of determining whether the land is peatland or not peatland on the licence applicant, despite the policy memorandum acknowledging that Scotland does not currently have soil mapping data for peat with a depth of 40cm.

NatureScot's recent review of the evidence on muirburn confirmed that the only way to measure peat is to use a peat probe. Peat depth can be highly variable across a small area, meaning it will be impossible for an applicant to determine, with absolute certainty, whether the land to which the licence relates is peatland (defined as peat deeper than 40cm) or not peatland.

Probing every inch of ground is practically impossible and would be damaging to the peat. This approach to licensing could result in responsible people inadvertently breaking the law. It also makes the law difficult for NatureScot to enforce in practice. This lack of certainty makes the licensing system unworkable.

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.

It would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control lead to worse outcomes, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in summer months, producing ideal tinder for smouldering and wildfire ignition. This is counterintuitive to the stated licensable purpose.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

# **Millden Sporting LLP**

Estate owner

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

No experience and cannot comment

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Operators of wildlife traps already operate to high professional standards, with many practitioners undertaking training on a voluntary basis.

There is no evidence that additional regulation on the use of wildlife traps is necessary. It would be possible to maximise adherence to best practice and reduce the probability of non-target catch through the provision of training alone.

It should be an offence to tamper with, interfere or sabotage a wildlife trap. The penalties for this should reflect those relating to the use of spring traps in section 5 of the Bill.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Unique Licence Numbers:

The proposal to subject wildlife traps that kill instantaneously to unique licence numbers is disproportionate and likely to result in unintended consequences. Unique licence numbers should only be applied to live capture traps where there are heightened animal welfare considerations.

Interference with unique licence numbers by parties with vexatious agendas is a cause for real concern and is the obvious way of sabotaging a licence holder. Provision must be made to made to make tampering, interfering and sabotaging a wildlife trap an offence with penalties reflecting those in section 5 of the Bill.

#### Modification, Suspension and Revocation:

It would be disproportionate and unreasonable to modify, suspend or revoke a licence for any crime other than those relating to the use of wildlife traps. It would be unfair and illogical to impose penalties under a trap licensing scheme for alleged offences that have no connection to the use of wildlife traps.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

#### Application:

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless there is proof beyond reasonable doubt that an offence in relation to the use of wildlife traps had been committed.

#### **Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

#### **Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. It is wrong that grouse moor owners and occupiers are being singled out for a punitive civil sanctioning regime against that background.

There are already robust measures in place to deter and punish the persecution of raptors in Scotland.

These include recently strengthened criminal penalties (including unlimited fines and lengthy prison sentences), the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

If licensing is introduced, it would be completely disproportionate, unreasonable and discriminatory for NatureScot to interfere with the right to shoot grouse for any reason other than robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

#### **Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The licensing scheme is unworkable on a practical level and unfairly singles out grouse moor operators for punitive civil sanctions without justification.

Application:

The right to shoot grouse should only be interfered with if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

The Bill gives NatureScot the discretionary power to grant or refuse licences on the basis of its perception of “appropriateness”. This is a very broad test that could result in licences being refused for any number of reasons. It cannot be right that licences are refused on lower grounds than suspension or revocation.

NatureScot’s licensing team is already overburdened. The discretionary application procedure proposed is likely to result in inordinate delays.

The Licence Period:

The Bill says licenses may only be granted for a maximum period of 12 months. Businesses will therefore not know from one year to the next whether they are able to operate. This uncertainty will severely inhibit their ability to plan for the future, take on employees and invest in rural Scotland.

This will, in turn, disincentivise grouse shooting and moorland management more broadly, which will have adverse downstream consequences for the economy and the environment. Grouse moor management is a long-term investment and the licence duration should reflect this reality

Modification:

The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing against the license holder or person managing the land. That is unfair, disproportionate and will create uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

Suspension and Revocation:

The consequences of licence suspension or revocation would be devastating for the grouse rightsholder, their employees and the wider community. Jobs, homes and businesses would be lost. It would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or guidance contained in a code of practice).

The only trigger for any adverse licensing decision (be it refusal, modification, suspension or revocation) should be robust evidence that proves raptor crime had been committed on the estate by a relevant person beyond reasonable doubt.

The broad definition of relevant offences is discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.

On a one-year licensing system, the difference between suspension and revocation is academic. It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that raptor persecution had been committed by a relevant person beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

Overall, the licensing scheme is discriminatory because it will result in people with the right to shoot grouse being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management and without criminal wrongdoing being proved beyond reasonable doubt.

The consequence of a licence refusal, suspension or revocation could mean a reduction in the investment in the property and local economy, which is currently considerable and supports 7 full time employees and their families. In this part of Scotland, many rural businesses rely on the direct- business from farms and estates and a loss of licence will have far reaching implications, which cannot be replicated by other land uses.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Affording charities statutory powers to investigate any crime sets a dangerous precedent. There would be a deficit of accountability and oversight of their work.

Scottish SPCA staff are not vetted nor trained to the same standard as police officers, which could potentially compromise wildlife crime investigations.

Scottish SPCA staff are overt in their expression of partial views (including around legal land management tools and countryside activities) which could lead to investigations being tainted by bias.

The partial views of the Scottish SPCA in relation to legal land management tools and countryside activities has resulted in an erosion of trust and confidence in the charity among many landowners and land managers.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. Additional regulation has the capacity to detract from these important benefits.

Muirburn is conducted with absolute professionalism and in accordance with best practice by the vast majority of grouse moor managers. The provision of training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

The definition of peatland is arbitrary and illogical. There is no science to support the introduction of greater controls on burning where there is peat deeper than 40cm.

The licensing system puts the onus of determining whether the land is peatland or not peatland on the licence applicant, despite the policy memorandum acknowledging that Scotland does not currently have soil mapping data for peat with a depth of 40cm.

NatureScot's recent review of the evidence on muirburn confirmed that the only way to measure peat is to use a peat probe. Peat depth can be highly variable across a small area, meaning it will be impossible for an applicant to determine, with absolute certainty, whether the land to which the licence relates is peatland (defined as peat deeper than 40cm) or not peatland.

Probing every inch of ground is practically impossible and would be damaging to the peat. This approach to licensing could result in responsible people inadvertently breaking the law. It also makes the law difficult for NatureScot to enforce in practice. This lack of certainty makes the licensing system unworkable.

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.

It would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control lead to worse outcomes, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in

summer months, producing ideal tinder for smouldering and wildfire ignition. This is counterintuitive to the stated licensable purpose.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

# Milton of Drimmie Farming

Mixed farm, holiday let, sporting and property

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

No experience with glue traps.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

There is good legislation already in place for most, if not all legal traps. The harder it is for land managers to use traps, the more they are forced to use poison. Taking rats, as an example; I would much prefer to maximise use of trapping, as a management tool, with poison as a last resort.

I believe there should be more or better:

1 - enforcement of existing legislation

2 - training to ensure best practice

That said, I think it should be an offence to tamper with a legally-set wildlife trap. We have had crow traps vandalised repeatedly in recent years. The irony being that the traps are funded under an agri-environment scheme contract and no game shooting takes place on the land.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Most land managers who undertake pest control have tickets, tag numbers and training.

There must also be a huge number of domestic trap/poison users who, for the most part, do a very good job for their properties and neighbourhoods. It would be a real problem in both



urban and rural communities if that wider community pest control provision was legislated out.

Again, the focus should be on enforcement of existing legislation, and more/better training.

I am concerned about vexatious behaviour of unknown third-parties. In addition to the vandalism of crow traps, mentioned above, we have had trouble with tags being removed from legally set snares. Provision must be made to make tampering, interfering and sabotaging a wildlife trap an offence with penalties reflecting those in section 5 of the Bill.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Raptor persecution should be stopped by proper enforcement and use of existing legislation. We have new rules and powers for this. We should see them being used.

The majority of scientific evidence points to the ecological, peatland-protecting and other benefits of muirburn. We undertake muirburn to maintain a mosaic landscape and to improve grazing for a few cattle and sheep, primarily. If the grouse benefit, then great.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing against the license holder or person managing the land. That is not how any legislation should be enforced, and may undermine already-depleted faith in that agency.

The licence period of 12 months is mad. We usually don't shoot any grouse, and we certainly don't know each year whether we will be able to at the start of the year.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

The SSPCA is not perceived by land managers to impartial. As much as it would be good to see the additional resource applied to the investigation of wildlife crime and enforcement of existing legislation, the involvement of such a charity would likely lead to a further erosion of trust among land managers and landowners in relation to the investigation process.

I don't think it is inappropriate for SSPCA members and others to gather evidence; but that evidence must be provided to the police, who should also handle the full investigation.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Muirburn is critical for wildfire prevention and, as such, forestry and peatland protection. Muirburn also enhances biodiversity and improves grazing.

As to more regulation: again, enforcement should be the issue. Unlike with raptor persecution, this should be straightforward to police using satellite imagery (and perhaps AI). It is now simple to identify burns; overlay on (admittedly crude) peat maps to identify where deep peat may have been burnt over; calculate areas to ensure there isn't generally excessive muirburn; then carry out site inspections to gauge whether any further sanction (or training) is needed.

There is subjectivity regarding peat, and peat banks vary in shape and depth, so there would need to be proportionality and/or a "first/second warning" system.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

Again, we should be using/enforcing the existing legislation. The additions described seem unenforceable even for a general licence unless there is an accurate map of peat soils at the relevant depths.

# Montrose Guns and Tackle

Gun and Tackle shop in Montrose, Angus.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

- Operators of wildlife traps already operate to high professional standards, with many practitioners undertaking training on a voluntary basis.
- There is no evidence that additional regulation on the use of wildlife traps is necessary. It would be possible to maximise adherence to best practice and reduce the probability of non-target catch through the provision of training alone.
- It should be an offence to tamper with, interfere or sabotage a wildlife trap. The penalties for this should reflect those relating to the use of spring traps in section 5 of the Bill. The absence of this provision from the Bill, despite repeated representations by land managers and representative organisations, is disappointing.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Unique Licence Numbers:

- It is disproportionate and unreasonable to subject wildlife traps that kill instantaneously to unique licence numbers. Unique licence numbers should only be applied to live capture traps where there are heightened animal welfare considerations.
- Interference with unique licence numbers by parties with vexatious agendas is a cause for real concern and is the obvious way of sabotaging a licence holder. Provision must be made to make tampering, interfering and sabotaging a wildlife trap an offence.

Modification, Suspension and Revocation:

- It would be disproportionate and unreasonable to modify, suspend or revoke a licence for any crime other than those relating to the use of wildlife traps – it would be unfair and illogical to impose penalties under a trap licensing scheme for alleged offences cannot be that have no connection to the use of wildlife traps.

- It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation – NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

Application:

- It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest an offence in relation to the use of wildlife traps had taken place beyond reasonable doubt.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

- There are already robust measures in place to deter and punish the persecution of raptors in Scotland. These include recently strengthened criminal penalties, the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

- The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. This calls into question the need for an additional civil sanction.

- It would be completely disproportionate, unreasonable and discriminatory to suspend or revoke a licence to shoot grouse on the basis of any crime other than the illegal persecution of raptors.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

Modification, Suspension and Revocation:

The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing against the license holder or person managing the

land. That is unfair, disproportionate and will create uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence beyond reasonable doubt of the relevant person committing a raptor crime.

The consequences of licence suspension or revocation are huge for the rightsholder, their employees and the wider community. Jobs, homes and businesses would be lost. It would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or best practice guidance contained in a code of practice). The only trigger for suspension or revocation should be robust evidence that the relevant person has committed raptor crime. The definition of relevant offences is broad and discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.

On a one-year licensing system, the difference between suspension and revocation is academic. It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation – NatureScot should have to be satisfied that raptor persecution had been committed. Police investigations can easily be triggered by malicious or vexatious allegations.

Overall, the licensing scheme is discriminatory because it will result in people with the right to shoot grouse being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management without criminal wrongdoing being proved beyond reasonable doubt.

Application:

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. 'Appropriateness' is a very broad test that could result in licenses being refused for any number of reasons. It could also result in licences being refused for reasons that could not justify licence suspension or revocation.

Licences should last in perpetuity. It would be disproportionate, unreasonable and unworkable to renew licences annually. Grouse moor management is a long-term investment and the licence duration should reflect this reality.

Annual renewals, combined with the appropriateness test, would provide no certainty to businesses and severely inhibit their ability to plan for the future, disincentivising grouse shooting and moorland management.

NatureScot's licensing team is already overburdened, which results in delay.

The one-year licence period weakens the protective effect of the appeal rights to the Sheriff Court.

If estates in my local area were not allowed to shoot grouse this would have a significant affect on my business. I would lose a lot of income from keepers and guests being able to buy cartridges, guns and clothing. I would potentially have to let staff go.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

- Affording charities statutory powers to investigate any crime sets a dangerous precedent. There would be a deficit of accountability and oversight of their work.
- Scottish SPCA staff are not vetted nor trained to the same standard as the police officers, which could potentially compromise wildlife crime investigations.
- Scottish SPCA staff are overt in their expression of partial views (including around legal land management tools and countryside activities) which could lead to investigations being tainted by bias.
- The partial views of the Scottish SPCA in relation to legal land management tools and countryside activities has resulted in an erosion of trust and confidence in the charity among many land managers.
- Social media indicates that the Scottish SPCA are an active lobbying organisation, which could lead to investigations being tainted by bias. Concerningly, the Lobbying Register appears to contain a largely incomplete reflection of the Scottish SPCA's lobbying activities.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

- The latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. Additional regulation has the capacity to detract from these important benefits.
- Muirburn is conducted with absolute professionalism and in accordance with the muirburn code by the vast majority of grouse moor managers. The provision of training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

- The definition of peatland is arbitrary and illogical. There is no science to support the introduction of greater controls on burning where there is peat deeper than 40cm.
- The licensing system puts the onus of determining whether the land is peatland or not peatland on the licence applicant, despite the policy memorandum acknowledging that Scotland does not currently have soil mapping data for peat with a depth of 40cm.
- NatureScot's recent review of the evidence on muirburn confirmed that the only way to measure peat is to use a peat probe. Peat depth can be highly variable across a small area, meaning it will be impossible for an applicant to determine, with absolute certainty, whether the land to which the licence relates is peatland (defined as peat is deeper than 40cm) or not peatland.
- Probing every inch of ground is practically impossible and would be damaging to the peat. This approach to licensing could result in responsible people inadvertently breaking the law. It also makes the law difficult for NatureScot to enforce in practice. This lack of certainty makes the licensing system unworkable.
- It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.
- It would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control lead to worse outcomes, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in summer months, producing ideal tinder for smouldering and wildfire ignition. This is counterintuitive.
- It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation – NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

## **NFU Scotland**

NFU Scotland (NFUS) is the leading agricultural organisation in Scotland. Representing more than 9,000 farmers, growers, and crofters, our members provide and support thousands of jobs and deliver significant economic, social and environmental benefits across Scotland.

Agriculture is the lynchpin of rural Scotland and is an important part of Scotland's booming food and drink industry. Scottish agriculture generates a gross output of £3.3 billion annually. The farming and crofting sector is committed to sustainable food production, enhancing biodiversity and helping to tackle climate change.

NFUS is strongly opposed to the proposals set out in the consultation. While the proposals do not directly relate to agriculture, we believe that this could be a 'first step' in terms of licensing land management activities, and that future restrictions and red tape will make it increasingly difficult for farmers and land managers to carry out legitimate wildlife management, which is essential for food production, climate and biodiversity.

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

We agree with the proposed ban on the use and purchase of glue traps as set out in the bill.

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

We believe that additional regulation of the use of certain wildlife traps can bring benefits in some circumstances, such as traps set in remote locations.

### **Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

### **Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

We believe that unique identification numbers are appropriate for traps that may be set in remote locations. It allows members of the public who may come across them that the traps are legal and provide contact details to report problems. It is a system that is accepted for these types of traps, although it can be cumbersome and off-putting for some users.



We suggest that unique identifiers serve a role for traps set in remote locations, where it may not be clear who has set the trap/snare and is responsible for monitoring its use. We would prefer to see the requirement to identify traps based on those set outwith the curtilage of the steading or holding, where it is not immediately obvious who is responsible for the trap. This would be a more proportionate approach, reducing some of the burden for commonly used traps used and required, to control pests in and around buildings and feed stores.

We believe the requirement to complete training by an approved body may be proportionate for traps set remotely, provided training was readily and affordably available. Much more detail is required on what level of training would be required and how this would be delivered. We do not believe it would be proportionate for training to be required for the use of traps to undertake rodent control in and around buildings on farm.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

We are strongly opposed to the proposals to licence grouse moor activities. We believe it is a disproportionate response to the issue the proposals aim to tackle – primarily, the illegal persecution of raptors in Scotland. We also have major concerns of the knock-on impacts of licensing land management activities, and what this could mean for agricultural activities.

To be clear, NFUS does not condone wildlife crime and believes that those who undertake illegal activity should face the consequences. However, we have serious concerns that the licensing of grouse moor management is the ‘thin end of the wedge’ and could lead to further licensing regimes and restrictions on land management activities, which in turn would have financial and administrative implications on our members.

For agricultural activities, effective, practical and pragmatic lethal control of certain species is required to prevent damage to livestock, crops, plants and habitats and limit the spread of disease, as well as reduce predation on other important and protected wildlife species. If licensing were to be extended to all aspects of wildlife management, this could have serious impacts on farming businesses.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Don't know

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

NFUS is not directly involved in the business of grouse moor management or shooting, and therefore cannot comment on the specifics of this question. We would like to reiterate, however, that we are concerned of the implications such a licensing regime could have on legitimate agricultural business further down the line. We would like to emphasise the

importance of farming for Scotland's economy and food resilience, which is vital in the current political and economic climate.

NFUS has serious concerns about the financial and administrative implications that NatureScot, as the licensing authority, would face if such a scheme were to be implemented. This is not a cost or resource free option. At a time when there are multiple policy and legislative goals to be met, such as the Scottish biodiversity strategy, regional land use partnerships, national parks, and upcoming natural environment bill, it is unclear how NatureScot would have the capacity to be an effective licensing authority.

While we believe that NatureScot would be the correct agency to carry out such a role, our fears relate to the fact they do not have the time, resources, or ability to carry out this function effectively. These pressures would be more acute if, as we fear, a licensing scheme was extended to other land management activities, including agriculture. In such a case, an overly bureaucratic and ineffectual system could have detrimental business impacts. For example, if predator control were not able to be carried out quickly and effectively, serious agricultural damage and financial losses could occur. NFUS is clear that this should not happen.

NFUS cannot comment on the specifics but as a general point, we believe that any licensing regime, if implemented, should be as simple and easy to administer as possible. Applying for and gaining a licence on a yearly basis is an extremely short timeframe and we would strongly suggest making this period longer. The licensing regime should not be overly complex, onerous, or burdensome for a land manager, who will already have multiple competing priorities to contend with.

NFUS strongly believes that sanctions relating to the licensing regime should not be based on assumptions about raptor persecution, but on irrefutable and evidence-based facts. Wildlife management is an emotive and highly politicised issue, and we warn against implementing a regime which risks criminalising land managers for carrying out legitimate activities.

We are supportive of appropriate and proportionate penalties for committing serious wildlife crime. To reiterate however, we believe that sufficient justification for penalty in the form of strong and irrefutable evidence is required.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

We do not agree with the proposals to give the SSPCA additional powers to investigate wildlife crime. We believe that the SSPCA has a vital role to play in supporting Police Scotland, rather than being provided with increased powers. Police Scotland has already made a firm commitment to addressing wildlife crime and it is important its presence and relationship with those in remote rural areas and communities is maintained.

There is a considerable amount of trust in the ability of Police Scotland to apply the law in an impartial and fair manner. The SSPCA on the other hand is a charity. As we understand, the SSPCA is not accountable to Parliament, nor does it have a proper complaints procedure in place. We also understand that the SSPCA is not subject to any auditing process over how it performs. Increased powers without appropriate scrutiny procedures could have damaging results.

To reiterate, we are supportive of appropriate and proportionate penalties for committing serious wildlife crime. However, we believe that the law as it stands is appropriate for addressing this.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

We are strongly opposed to any kind of licence to undertake muirburn. This is primarily for two reasons: the first being the lack of robust evidence on the benefits such a licence would bring, and the myriad gaps in knowledge of muirburn and its long-term impacts. In this light, we are concerned that legislation is being rushed through without full knowledge of the situation.

The second issue is that the licensing of legitimate land management activities could have adverse knock-on impacts and unintended consequences. Experienced and professional land managers carry out muirburn for many reasons, and there are clear conservation benefits to doing so. We are concerned that further restrictions on such activities could result in these activities ceasing to take place, which could have extremely detrimental effects on our upland environments.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

We do not believe there should be a licensing scheme for muirburn. It is an important land management tool that has been practiced for thousands of years. There are benefits of controlled burning to create habitat for the breeding success of endangered wild birds. There are various bird species which require a variety of vegetation cover in terms of length which will be lost if controlled muirburn is not allowed and cutting is impossible due to ground conditions preventing mowing.

Burning heather on moorland can also allow it to regenerate, which is beneficial for livestock grazing. If it is not properly managed, the vegetation can become rank and the lack of light and moisture at ground level prevents growth of new heather plants and other species. Rank vegetation is unattractive to grazing animals as the feed value is low and access can be difficult. The result is that grazing can become focused on smaller areas which can lead to

overgrazing. Controlled burning encourages the regeneration of vegetation, increasing the forage available, and serves to spread the grazing pressure.

Muirburn can also reduce the fuel-load on moorland areas, which could prevent the risk of a severe wildfire incident. The Scottish Fire and Rescue Service has said the risks of a serious wildfire are increasing year on year, as the impacts of climate change are resulting in hotter, dryer summers. The Scottish Government supports well-managed muirburn and recognises its potential to reduce the impact of wildfire.

It is for the reasons set out above that we do not believe there should be blanket bans or prescriptive rules around the practising of muirburn. Instead, the approach must be flexible and empower the land manager, armed with professional training and therefore able to make informed decisions. We believe the existing muirburn code provides sufficient basis for land managers and farmers to carry out muirburn in a safe, responsible and effective manner.

We would also like to address the current perceptions and political debate around muirburn. From the outside perspective, there is a perception that muirburn involves indiscriminate burning of our moorland landscape. In reality, the practice of muirburn is a well-considered and thought-out practice, which takes place in rotations of between 15-20 years. One of our members in North Argyll has explained how they approach muirburn on their land. This is set out in Annex A.

We are disappointed that the bill proposes to impose a stricter definition of peatland, reducing the threshold from 50cm in thickness to 40cm. The science and evidence relating to this decision must be examined further. We are of the opinion that regular and controlled burning on deep peat only burns the surface, and can have many benefits, including prevention of wildfire, control of rank heather, and growth of important sphagnum moss.

While we accept that a licence could be granted for making muirburn on peatland for the purposes of restoring the natural environment, reducing wildfire risk, and research, much more detail is required on the thresholds for these conditions. Specifically, how the decision-making process around conditions related to 'the making of muirburn is necessary for the specified purpose' and 'no other method of vegetation control is available' will be made.

We also have concerns that NatureScot, as the licensing authority, do not have the time, finance, or resources to effectively implement and carry out this licensing scheme. This is not a cost or resource free option. An overly bureaucratic or burdensome scheme that could inhibit muirburn to be carried out in a timely manner could have knock-on impacts for grazing livestock, animal welfare, ground nesting birds, as well as wildfire risk.

NFUS strongly believes there should not be a one-size-fits-all policy for muirburn. Regional differences including habitats, weather patterns and steepness of ground will all vary between sites and farmers, crofters and land managers should be trusted to make authoritative decisions based on their professional experience. There must be a focus on risk-benefit analysis of a situation by an informed, trained professional rather than prescriptive rules that apply across the board.

NFUS is strongly opposed to any kind of licence to undertake muirburn. We are clear that legislation should not be rushed through but require careful consideration. If a licensing scheme for muirburn is to be introduced, it must encourage and make it easy for people to

do the right thing. Bureaucracy and administration must be kept to a minimum, and a period review of the scheme, to assess its effectiveness, is required.

Finally, as stated, the muirburn code already exists to 'police' muirburn and ensure people do it responsibly, and we believe that this mechanism is sufficient to mitigate against the adverse impacts of muirburn without increasing red tape and bureaucracy. We are also deeply concerned of the capacity for NatureScot manage and enforce the licensing scheme effectively.

Annex A – Case Study of NFUS Member approach to Muirburn in North Argyll: “We are looking at rotation of burning between 15-20 years. Any sooner and you run the risk of allowing white grass (*Molinia*) to dominate. On the east coast, you are looking at a rotation of 10-15 years, because it is much drier, and the heather regrowth is much faster. The next issue is to avoid the honeypot area where if you do not burn enough the sheep can graze an area too hard.

I try to burn a strip up the hill on drier ground so that you are leading the sheep up to higher ground. I avoid the wetter flat areas (mire), especially high up where there is not a lot of growth. Because on the West we are much wetter, we find that there are very few days when it is dry enough to burn or it is too windy. So, if we are lucky, we may get an average of two days of muirburn. This year there were none.

There are not many hill farms that do not have a forestry block close to them. I have forestry on two sides of my hill so we must be even more careful how we burn areas. I spend a lot of time creating fire breaks so that I know where the fire will stop. As I create the firebreak, I let the fire backburn into the area I have planned to muirburn. There is always a burn or wet flush that can be used to stop the fire. Even driving over an area with a quad bike can lift enough moisture to help with the firebreak.

My fear is that if Scottish Government makes it too difficult to do muirburn or too expensive then potentially one is looking at a heavy fuel load of rank grasses and heather that will be ripe for a wildfire and with forestry blocks close by the result could be major devastation.”

# Nourish Scotland

Nourish Scotland is a charity working on food policy. As part of this, we have an interest in wider land management and animal welfare issues

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

There's a clear rationale for ending a cruel and unnecessary method for killing animals

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

restoring biodiversity requires additional regulation and scrutiny of practices which are likely to reduce biodiversity

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The environmental consequences of this industry are profoundly negative as set out above - blanket use of anthelmintics which would not be acceptable in farmed animals, killing other animals in order to kill more grouse, preventing natural regeneration, and Muirburn. In due course, we would expect the industry to go the way of greyhound racing as something which is no longer socially acceptable. In the meanwhile, licensing can reduce the most negative consequences

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

There is no evidence in the recent Nature Scot review that it has environmental benefits. Its purpose is to prevent natural regeneration of tree cover and to provide more food for grouse for people to shoot for sport. It causes wildfires and releases carbon into the atmosphere. There is no evidence that it prevents more serious wildfires in Scotland. It is not compatible with tackling the nature and climate emergency

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

There are far too many loopholes in here. Anyone can claim Muirburn will reduce the risk of wildfires and it is impossible to disprove a hypothetical. 'Restoring the natural environment' is meaningless - restoring to what? These habitats have been managed for centuries. If research is needed it should be carried out by research institutions as part of a long-term multi-site trial with clear parameters and objectives.

There should be a presumption against Muirburn, with the granting of licences only in exceptional cases. The danger with the scheme as proposed is that Muirburn continues to be seen as the normal way to manage land, and getting the licence simply a well-trodden detour on the way to business as usual

# People for the Ethical Treatment of Animals Foundation

The People for the Ethical Treatment of Animals (PETA) Foundation is a UK-based charity dedicated to establishing and protecting the rights of all animals. Animals are not ours to use – for experimentation, food, clothing, entertainment or any other reason. PETA and our affiliates around the world educate policymakers and the public about cruelty to animals and promote an understanding of the right of all animals to be treated with respect. PETA works through public education, research, legislation, special events, celebrity involvement and protest campaigns. PETA believes in non-violence and does not advocate or support actions in which anyone, human or non-human, is harmed. PETA is a charitable organisation that works to educate the public about the horrors of cruelty to animals through peaceful means.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

These indiscriminate torture devices are among the cruelest methods of rodent control. Any animal caught in these traps- rats and mice, but also birds, frogs, and even cats - will likely die of hunger, dehydration, or exposure after days of prolonged suffering.

Animals may suffocate when their noses and mouths become stuck in the glue, struggle to the point of exhaustion trying to free themselves, or even chew through their own limbs or tear off their own skin in a desperate bid for freedom and end up dying of blood loss.

Scotland must enact a full ban on these traps immediately.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

The manufacture, sale, possession and use of wildlife traps like snares must be banned. Current regulations are failing animals, with thousands caught and killed every year. These barbaric devices maim and kill animals indiscriminately, and victims often endure a slow, terrifying death as they struggle to escape. Data shows that 15 out of 18 animals caught in a DEFRA snare trap field trial were not foxes, the intended victims. Of course, it's speciesist to condemn the death of some species but condone the death of others in snares, and the use of these cruel devices to snare any animal can never be justified.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**



Don't know

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Snares must be banned as a matter of urgency due to the extreme suffering they cause. The use of 'decoy' birds in crow cage traps must also be banned. This causes terror and suffering to the birds trapped as decoys and is an archaic, cruel practice. The proposed licensing system won't do enough to protect animals.

Traps and snares are routinely set in game shooting areas in a crude attempt to catch predators who would steal eggs or kill the young pheasants the hunters wish to shoot. It is unethical to maim and kill animals in any case, but particularly so to serve an industry that kills animals for fun. This is a cycle of death and destruction which must not be allowed to continue.

The proposed licensing system requires people using traps to attend training and register, however this approach will not address the ethical and animal welfare concerns around trapping.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Grouse shooting is cruel, unethical and causes damage to the environment. PETA urges the Scottish government to end this practice.

Even before the shooting season starts, thousands of foxes, stoats, weasels, and other predatory animals are mercilessly trapped and killed to allow grouse numbers to swell. Jaw-like spring traps and snares are set across the moor to crush and kill stoats and weasels. These indiscriminate death traps also catch "non-target" animals like hedgehogs, badgers, and hares. It can take hours for the animals to die in agony and terror from their injuries.

To further increase grouse populations, land managers promote the growth of young heather shoots, which these birds like to eat. In order to do this, the land's protective layer of heather is intensively cut back, exposing its carbon-rich peatlands. This leaves it vulnerable to erosion, contributes to the climate catastrophe, and increases flood risk.

The shooting season itself sees these living, feeling individuals used as target practice. If dogs and cats were being shot to death for fun, society would be outraged and government would not permit such abuse to take place. Grouse feel pain and suffer in the same way. Some are shot out of the sky and left to writhe in agony on the ground before hunters wring their necks. Many will be discarded in a giant grave with other birds once the hunters have had their fun.

The shooting industry destroys wildlife, damages habitats, and releases harmful climate-altering gases. This isn't "sport", it's a circle of destruction and death. Please end this

exploitative, bloody pursuit on Scottish land, allowing it to become rewilded, and do the right thing for animals and the planet.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Don't know

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

As outlined in the last question, PETA is opposed to the shooting of animals for sport. We caution that any licensing will not adequately protect animals from suffering. However, if a licensing system is to be brought into force, we hold that a condition of any licence should be that anybody shooting 'gamebirds' or any other animals must pass a test to prove they are competent. Many animals are shot by people who have never shot a gun before, which leads to a prolonged death for the birds. The cost of a license should be high enough to include the cost of enforcement.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Currently the Scottish SPCA can only investigate offences when there is a live animal who is suffering and under the control of a person. This means in certain situations they aren't allowed to fully investigate wildlife crime or animal welfare offences. Extending their powers would help them do their excellent work without restrictions and help partnership working with Police Scotland.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

## **Pest Solutions**

Pest Solutions are a professional pest control company that provides services throughout Scotland protecting the public health of both domestic and commercial customers. We are a BPCA member company. We fully support the ban of Glue Boards for public use in order to end cases of misuse. However, a professional using Glue Boards in accordance with the BPCA/PMA code of practice for the humane use of glue boards in order to protect public health is essential and must be maintained. We support a full public ban with a provision for licencing for professional use in accordance with the BPCA/PMA code of practice.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

We fully support the ban of Glue Boards for public use in order to end cases of misuse. However, a professional using Glue Boards in accordance with the BPCA/PMA code of practice for the humane use of glue boards in order to protect public health is essential and must be maintained. We support a full public ban with a provision for licencing for professional use in accordance with the BPCA/PMA code of practice.

The loss of Glue Boards from the toolkit of a professional pest controller will lead to a negative impact on the ability for professional pest controllers to protect public health in some sensitive environments.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Don't know

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Don't know

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Don't know

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Don't know

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

# Peta Uk

Qui prennent soins des animaux et défend les animaux du monde....

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Ça doit être interdit et puni par la loi et la justice....

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Non .....

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Non.....

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Don't know

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Don't know

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Don't know

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Don't know

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

# **Police Service of Scotland**

The attached response has been formulated with the assistance of Wildlife Crime Police Officers across Scotland.

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

The Police Service of Scotland (herein referred to as 'Police Scotland') does agree with the proposed ban on the use and purchase of Glue traps, which are widely considered to be an inhumane way to trap animals. Police Scotland would seek to clarify some points in the Glue trap section of the proposed Bill in terms of the following;

- In part 1, titled 'Glue traps', subsections (1) and (2) - the expression 'without reasonable excuse' is used. Police Scotland would welcome some discussion/clarity around what would be considered a reasonable excuse in this regard.
- Discussion would also be welcomed around introducing a 'possession' offence within the bill in relation to Glue traps. It is appreciated this may be a deliberate omission from the Bill to account for any existing Glue traps which may be in circulation and were purchased when legal to do so, as long as they are not 'deployed' for use. There may be some dubiety around the term 'acquire' which is currently contained within the Bill.
- As this Bill consists of amendments to the Wildlife and Countryside Act 1981, Police Scotland would seek confirmation that offences listed in the Bill would be covered under the Sec 19 Wildlife and Countryside Act 1981 powers of search.

## **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

## **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Police Scotland is of the view that any additional regulations around wildlife trapping will only serve to increase the accountability and transparency around the practice.

## **Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

## **Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Yes Police Scotland agrees with the proposed licensing system for certain Wildlife traps with the following clarification sought;

- In section 12A – ‘Requirements for use of traps’ some clarity would be sought around the introduction of the Wildlife trap licence. At present, certain traps such as Larsen traps, multi crow cage traps etc are covered under General Licenses. Will the two licenses run simultaneously or will one supersede the other?

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Police Scotland agrees with the introduction of legislation regulating land that is used for shooting red grouse. There are numerous incidents, recent and historic, whereby those linked to shooting estates have intentionally targeted protected birds of prey, which are sometimes perceived as a threat to Grouse populations. There have also been many occasions over recent years when birds of prey have disappeared under suspicious circumstances however, due to evidential thresholds, no criminality could be established. It is appreciated that not all shooting estates engage in the persecution of birds of prey, however these regulations will ensure that failing to adhere to licensing conditions will result in meaningful consequences for shooting estates. This should act as a deterrent to those wishing to actively and intentionally target Scotland’s wildlife, particularly protected birds of prey.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

Yes, Police Scotland agrees with the proposed licensing system. As previously stated, this system should act as a deterrent to those wishing to illegally target Scotland’s wildlife.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Police Scotland notes Section 8 of the proposed Bill to be very non-specific in nature and as such it is difficult to formulate a final view on this point. Police Scotland has, however, been



asked for views in relation to this topic previously and have provided these views to the Scottish Government. Some concerns have been raised as follows;

There are concerns around the public confusion that may arise should the Scottish SPCA be given more powers to investigate crime. Police Scotland should be the lead enforcement agency when investigating criminal incidents and there are concerns there may be some confusion as to which agency the public should report incidents to, should they suspect criminality.

If the Scottish SPCA were given more powers there may be a tendency for them to instigate and commence investigations without Police involvement, and this may ultimately hinder any subsequent Police investigation/involvement. Some crucial aspects of criminal investigations, such as financial enquiries, CCTV work, and identifying links to Serious and Organised Crime are enquiries that the Scottish SPCA would be unable to carry out to the same extent, if at all. With the passage of time these avenues of enquiry can quickly diminish. This could be detrimental to the outcome of the enquiry if Police Scotland are not fully involved and briefed when potential criminality first comes to light. There may also be a crossover whereby both Police Scotland and the Scottish SPCA are separately carrying out investigative work into the same issue or potential crime, without the other's knowledge.

Police Scotland, while determined to reduce wildlife crime and protect Scotland's varied and treasured species, are an impartial organisation. Investigations must remain impartial and this needs to be considered when potentially increasing investigative powers for an animal welfare charity. For example, the Scottish SPCA are publicly opposed to snaring, which is a legal practice when carried out properly. This could create conflicts of interest and call integrity and impartiality into question.

Police Scotland are subject of rigorous scrutiny in terms of their investigations, including RIP(S)A and the Scottish Crime Recording Standards. Police Scotland operate under the direction of Lord Advocates Guidelines and 'Codes of Practice' developed over many years. Police Scotland would respectfully ask if consideration could be given to the Scottish SPCA's ability to comply with a potentially substantial increase in regulatory demands.

If powers were to be increased, it would be reasonable to infer that an overhaul of training, processes and accountability for the Scottish SPCA would be required.

A full and comprehensive response can be provided once the extent of the proposed increase in powers is presented. Police Scotland would respectfully request to be part of the ongoing dialogue in regards to Sec 8 and any proposed increase in Powers provided to the Scottish SPCA.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Muirburn by its very nature must be carried out carefully and by those with the necessary skills and understanding. Additional regulation for Muirburn will only seek to enhance these safeguards and ensure that appropriate processes are in place.

The term 'without reasonable excuse' has been used in Section 9 (1) of the proposed Bill. Discussion/clarity would be welcomed by Police Scotland with regards to what would constitute such a reasonable excuse. Muirburn is a very specific and purposeful action, is this phrase included to provide protection against accidental wildfire for example?

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

This aspect of the Bill will have very little impact on Police Scotland but it would appear to be a comprehensive and reasonable licensing system.

# Precision Rifle Services Ltd

Gunsmith & gunshop.

We are badly affected by any increase in pressure on the financial viability of field sports in Scotland. It is a huge part of our rural tourist industry and any additional constraints, particularly via legislative changes, should be considered very seriously before implementation.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Operators of wildlife traps already operate to high professional standards, with many practitioners undertaking training on a voluntary basis.

There is no evidence that additional regulation on the use of wildlife traps is necessary. It would be possible to maximise adherence to best practice and reduce the probability of non-target catch through the provision of training alone.

It should be an offence to tamper with, interfere or sabotage a wildlife trap. The penalties for this should reflect those relating to the use of spring traps in section 5 of the Bill.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Unique Licence Numbers:

The proposal to subject wildlife traps that kill instantaneously to unique licence numbers is disproportionate and likely to result in unintended consequences. Unique licence numbers should only be applied to live capture traps where there are heightened animal welfare considerations.

Interference with unique licence numbers by parties with vexatious agendas is a cause for real concern and is the obvious way of sabotaging a licence holder. Provision must be made to make tampering, interfering and sabotaging a wildlife trap an offence with penalties reflecting those in section 5 of the Bill.

Modification, Suspension and Revocation:

It would be disproportionate and unreasonable to modify, suspend or revoke a licence for any crime other than those relating to the use of wildlife traps. It would be unfair and illogical to impose penalties under a trap licensing scheme for alleged offences that have no connection to the use of wildlife traps.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

Application:

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless there is proof beyond reasonable doubt that an offence in relation to the use of wildlife traps had been committed.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. It is wrong that grouse moor owners and occupiers are being singled out for a punitive civil sanctioning regime against that background.

There are already robust measures in place to deter and punish the persecution of raptors in Scotland.

These include recently strengthened criminal penalties (including unlimited fines and lengthy prison sentences), the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

If licensing is introduced, it would be completely disproportionate, unreasonable and discriminatory for NatureScot to interfere with the right to shoot grouse for any reason other than robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The licensing scheme is unworkable on a practical level and unfairly singles out grouse moor operators for punitive civil sanctions without justification.

Application:

The right to shoot grouse should only be interfered with if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

The Bill gives NatureScot the discretionary power to grant or refuse licences on the basis of its perception

of “appropriateness”. This is a very broad test that could result in licences being refused for any number of reasons. It cannot be right that licences are refused on lower grounds than suspension or revocation.

NatureScot’s licensing team is already overburdened. The discretionary application procedure proposed is likely to result in inordinate delays.

The Licence Period:

The Bill says licenses may only be granted for a maximum period of 12 months. Businesses will therefore not know from one year to the next whether they are able to operate. This uncertainty will severely inhibit their ability to plan for the future, take on employees and invest in rural Scotland.

This will, in turn, disincentivise grouse shooting and moorland management more broadly, which will have adverse downstream consequences for the economy and the environment. Grouse moor management is a long-term investment and the licence duration should reflect this reality.

Modification:

The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing against the license holder or person managing the land. That is unfair, disproportionate and will create uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

Suspension and Revocation:

The consequences of licence suspension or revocation would be devastating for the grouse rightsholder, their employees and the wider community. Jobs, homes and businesses would be lost. It would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or guidance contained in a code of practice).

The only trigger for any adverse licensing decision (be it refusal, modification, suspension or revocation) should be robust evidence that proves raptor crime had been committed on the estate by a relevant person beyond reasonable doubt.

The broad definition of relevant offences is discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.

On a one-year licensing system, the difference between suspension and revocation is academic. It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that raptor persecution had been committed by a relevant person beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

Overall, the licensing scheme is discriminatory because it will result in people with the right to shoot grouse being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management and without criminal wrong doing being proved beyond reasonable doubt.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Affording charities statutory powers to investigate any crime sets a dangerous precedent. There would be a deficit of accountability and oversight of their work.

Scottish SPCA staff are not vetted nor trained to the same standard as police officers, which could potentially compromise wildlife crime investigations.

Scottish SPCA staff are overt in their expression of partial views (including around legal land management tools and countryside activities) which could lead to investigations being tainted by bias.

The partial views of the Scottish SPCA in relation to legal land management tools and countryside activities has resulted in an erosion of trust and confidence in the charity among many landowners and land managers.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. Additional regulation has the capacity to detract from these important benefits.

Muirburn is conducted with absolute professionalism and in accordance with best practice by the vast majority of grouse moor managers. The provision of training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

The definition of peatland is arbitrary and illogical. There is no science to support the introduction of greater controls on burning where there is peat deeper than 40cm.

The licensing system puts the onus of determining whether the land is peatland or not peatland on the licence applicant, despite the policy memorandum acknowledging that Scotland does not currently have soil mapping data for peat with a depth of 40cm.

NatureScot's recent review of the evidence on muirburn confirmed that the only way to measure peat is to use a peat probe. Peat depth can be highly variable across a small area, meaning it will be impossible for an applicant to determine, with absolute certainty, whether the land to which the licence relates is peatland (defined as peat deeper than 40cm) or not peatland.

Probing every inch of ground is practically impossible and would be damaging to the peat. This approach to licensing could result in responsible people inadvertently breaking the law. It also makes the law difficult for NatureScot to enforce in practice. This lack of certainty makes the licensing system unworkable.

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.

It would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control lead to worse outcomes, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in

summer months, producing ideal tinder for smouldering and wildfire ignition. This is counterintuitive to the stated licensable purpose.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.



# Reform UK

Political Organisation standing in UK & Scottish Elections

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Reform UK supports the abolition of inhumane glue traps for mammals as glue traps (liming) was outlawed for birds some time ago.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Reform UK does not support the need for additional regulation as existing regulation is available and it is lack of enforcement which is the issue.

There is no need for additional training and accreditation for trap operators but there is an industry recognition that there is inconsistency in current legislation with respect to trapping and snaring.

All snare operators require to be trained and accredited already. All those using live capture traps for birds (Larsen traps and crow cage traps) need to be registered.

All those who currently operate snares and live capture traps would welcome a single identification number.

BASC notes that recently approved spring traps (added to relevant STAOs) which meet agreement on International Humane Trapping Standards (AIHTS) for stoats (as such these are the most commonly used traps on grouse moors) meet strict efficacy standards, which largely result from their design as opposed to needing operator expertise (beyond following the manufacturer's instructions).

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Reform UK does not support a licencing system, where it is clear the vast majority of operators follow a voluntary code and where licencing would make no difference to those undertaking illegal activities and whom would be subject to existing legislation.

There are potentially serious and unintended consequences as a result of the introduction of requirements for compulsory training and registration for all trap use.

There is a recognition that many people may only use one type of trap, such as a Larsen traps, so training and accreditation would be complicated and have to be designed and delivered to cover an individual's needs rather than all eventualities.

This licensing proposal places additional financial burdens on the shooting sector through additional fees.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Reform UK does not support additional regulation with respects shooting where there is clearly legislation already present and which is suitable.

Wildlife crime in Scotland is already penalised by criminal law, as well as NatureScot's ability to revoke general licences.

Attempting to link wildlife crimes to grouse moor management would be disproportionate and illogical.

The current provisions and penalties under various pieces of legislation act as robust deterrents against wildlife crime.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

Reform UK does not support a licencing system for land to shoot red grouse when there is current tools under current legislation to ensure such activities are carried out in the appropriate manner.

The right to shoot grouse is inherent to landownership which is protected under the European Convention of Human Rights and BASC believes that unnecessary and disproportionate restrictions, such as the proposed licencing scheme, infringes on guarantees under the ECHR.

A licence suspension based on an investigation alone, which could in addition prevent a future licence application, even though the person in question could be innocent, is unacceptable.

The civil burden of proof is unacceptable for the Scottish Government's proposals.

Birds being added to Part 1B through secondary legislation is unacceptable, as effectively any bird species could be added without effective parliamentary scrutiny and without the degree of consultation that has already centred around red grouse.

The renewal or granting of a licence for one year is unworkable, due to unforgiving timescales. Grouse moor management relies on front-loaded investment including employment of staff.

The list of 'relevant offences' in section 16AA(11) goes beyond the initial scope of the Werritty Review.

Losing the right to shoot grouse not only results in the immediate financial loss for the licence holder, but it has far-reaching consequences, such as loss of rural employment.

Given the severity of the consequences, licences should only be suspended if a licence holder was successfully prosecuted.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Reform UK does not support giving powers to a non-governmental charitable body.

- The Scottish SPCA already has substantial powers at its disposal.

There are concerns about the SSPCA's capacity to be impartial, and such powers should be retained by statutory bodies – not charities.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Reform UK believes that there is no requirement for additional regulation over muirburn but does note that lax enforcement of existing regulations is resulting in issues, mainly due to

graziers burning large unsuitable areas, rather than the small target burning carried out by grouse moors.

Burning vegetation in the uplands (muirburn) is an essential tool for grouse moor management, management for livestock grazing and in wildfire management and mitigation. Whilst it can increase biodiversity and carbon sequestration, we recognise that the appropriate management is ultimately site-dependent.

The Scottish Government recognises the importance of muirburn in preventing, reducing, and tackling wildfires.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

Reform UK does not agree with the proposed licencing system or it's requirements and determinants.

The usage of the '40cm' arbitrary peatland depth figure lacks scientific reasoning since peatland itself is not burned during muirburn.

It would be unfeasible and impractical for land managers to be expected to measure peat depth across their land as part of a licensing regime, in order to establish the depth of peatland to determine whether burning could take place.

The powers to suspend or revoke a muirburn licence under the civil burden of proof is unacceptable.

## **REVIVE: the coalition for grouse moor reform**

REVIVE is a coalition of like-minded organisations working for grouse moor reform in Scotland.

The campaigning coalition seeks to end the circle of destruction that surrounds grouse shooting in Scotland. In short, the goal is to end all the unsustainable activities that take place to make sure more grouse can be shot for sport, while highlighting the positive vision for transitioning away to better land uses for our rural people - while protecting our wildlife and the environment.

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Glue traps are cruel and using a Wildlife Management Bill to make them illegal is therefore a good use of this Bill.

The sale and use of snares should also be banned nation-wide due to their cruel and indiscriminate nature and we welcome that this will be addressed in stage 2 of this Bill.

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Regulation and licencing of wildlife trapping in Scotland, particularly those traps that are used on shooting estates like grouse moors is essential. According to estimates from League Against Cruel Sports Scotland's landmark publication "Hanged by the Feet Until Dead" (<https://revive.scot/wp-content/uploads/Hanged-by-the-feet-until-dead.pdf>) hundreds of thousands of foxes, stoats and weasels are snared, trapped and killed on grouse moors every single year. This is the largest survey of wildlife traps conducted in Scotland to this day. Many of the killed animals have also been non-target species like hedgehogs. This is not to mention Corvid cage traps amongst other methods of killing. A shorter summary of this report "Calculating Cruelty" can be found here: <https://revive.scot/wp-content/uploads/Calculating-Cruelty.pdf>

The scale of wildlife trapping on grouse moors provides strong backing for additional regulation, as do the percentage of non-target species caught in traps (about 40% according to the report), and the suffering that many trapped animals endure. Bringing such traps under a national regulatory/licencing framework is a net positive in this Bill. However, a Bill tackling wildlife management should concern itself with the reasons a licence would, could or should be given to trap and kill Scotland's wildlife. See Q5 for further comment on trap regulation.

REVIVE understands that for the purpose of conservation, agriculture or responsible land management, wildlife management and trapping may be necessary. However, the trapping and killing of Scotland's wildlife to ensure more grouse can be killed for sport (otherwise known as 'killing to kill') is not something REVIVE can support as it is deeply unethical. Therefore, we strongly advocate that the 'International Consensus Principles of Ethical Wildlife Control' (which can be found here: <https://revive.scot/international-consensus-principles-for-ethical-wildlife-control/>) be adopted for wildlife management. This Bill should be used as the appropriate opportunity to enact those principles into the upcoming licence/regulation of traps in Scotland.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

However, there are several key areas in which the proposals could and should be made stronger.

Any wildlife management policy or legislation must also ensure that the methods used cause the least harm to animals and these proposals cannot ensure that. There should be a review of the use of all traps, including both the reasons for their use and the animal welfare impacts. The results of the review should inform targeted regulation specific to each type of trap, or a ban if regulation cannot mitigate the welfare risks. Such a review would also encompass the question of when the use of traps is justified.

REVIVE supports the policy of full cost recovery for the monitoring, administration and enforcement of the trapping licence to be paid by those applying for the licence. Moreover, animal welfare should be a greater consideration in the licence scheme and as illustrated in question 2 above, the 'International Consensus Principles of Ethical Wildlife Control' should be adopted for wildlife management. Licence application requirements and conditions should be more stringent than current general licence guidance or the criteria in the Spring Traps Approval Order and should aim to protect animal welfare. Increasing grouse numbers for sport shooting should not, in our view, be considered a good enough reason to get the trapping licence.

A training regime run by NatureScot is to be welcomed as opposed to an industry-led scheme however the 10 year training renewal is too long and should be shorter. The contents and criteria for completion of the training course should go beyond current guidance and be based on the ethical principles previously mentioned. Furthermore, the Bill does not require licence holders to provide records of the trapped and killed animal species, or numbers, which is something that should be rectified. See q5 for further comment on this.

Finally, due to the scale of the trapping of wildlife on grouse moors over huge land areas, (somewhere around a million hectares of land – an area half the size of Wales) effective monitoring may be difficult, even with adequate resources behind it. Additionally, the Bill correctly does not discriminate, as trapping licences would be required beyond grouse moors as well. This argument is not in opposition to regulation. On the contrary, by limiting the granting of licences to people who have strictly necessary purposes – as opposed to increasing numbers of wild birds for sport shooting – this would reduce the burden on NatureScot to monitor huge swathes of Scotland. For legitimate agricultural or conservation

reasons (following the seven ethical principles) licences should be granted but REVIVE would remind members of the RAI committee that grouse are native wild birds, not a domesticated farm animal. Therefore, REVIVE supports regulation and licencing of traps but would wish it to go further than proposed.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

There is a well-documented link between grouse moors and the persecution of Scotland's birds of prey which has made licencing necessary for decades. This link has been long established but other land management practices have also proved to be highly controversial.

Red grouse (*Lagopus lagopus scoticus*) is a native wild bird of Scotland. Yet, huge swathes of Scotland's land is managed with the intention of maximising shootable surpluses of grouse for sport shooting. Much of Scotland's uplands have become quasi-domesticated farmed environments for the purpose of sport shooting. This Bill touches on predator control and REVIVE has (above, in question 2) submitted evidence of the huge scale of wildlife killing to increase grouse numbers. This Bill also correctly legislates on muirburn which damages much of our land and stops greater biodiversity and carbon sequestration from developing. REVIVE also estimates that up to 200,000 medicated grit stations (many of which contain high strength doses of the toxic veterinary drug Flubendazole) are spread throughout Scotland's grouse moors. There is a huge lack of regulation over such practices on grouse moors and short of ending the practice of driven grouse shooting, regulation is essential when considering the needs of our people, our wildlife and the environment.

Those who are against any or such reform point out the economic benefits of grouse shooting. The Werritty report estimates that grouse shooting contributes about £23 million to Scotland's economy (0.02% of Scotland's overall economy). Industry figures also suggest that grouse shooting provides around 2,500 direct and indirect jobs. Forestry, in contrast, contributes about a billion pounds to the economy and about 25,000 jobs while nature based tourism (excluding field sports) contributes over £1.2 billion (<http://www.andywrightman.com/docs/naturetourism.pdf>) to the economy. REVIVE endorses the Scottish Government's own stated support to "transition to more economically and environmentally productive uses of land where appropriate" (<https://shorturl.at/luHT5>). Diversifying towards alternative land uses that are better for the environment and our wildlife can help our people by bolstering already successful sectors and, coupled with land reform, benefit rural Scotland significantly. This is why this Bill should be as strong as possible with regard to regulation of land used to shoot red grouse, to aid a just transition in order to benefit rural Scotland in the medium/long-term.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The decision to licence the shooting of grouse, an activity often surrounded by intensive and destructive land management practices, is a wholly reasonable step to take in order to put a stop to raptor persecution. The Scottish Government has correctly acknowledged that voluntary restraint has failed and so this wholly reasonable step has become totally necessary. Moreover, current legislation has proved to be inadequate as wildlife crimes have continued, even since First Minister Donald Dewar called such crimes 'a national disgrace' in 1998

REVIVE welcomes the fact that NatureScot is the licencing authority and we support the principle of at least full cost recovery for the monitoring and administration of the licences.

REVIVE also supports the Bill's proposal, as outlined by Professor Alan Werritty in his Grouse Moor Management Group report, for the adoption of a civil burden of proof when deciding to revoke a licence or not. The licence to shoot grouse would be offered on the discretion of NatureScot and it is correct that they use appropriate and neutral judgement when deciding the penalties for licence breaches. RSPB and other organisations' data have shown that significant numbers of satellite tagged birds of prey, including golden eagles and hen harriers, have gone 'missing' in suspicious circumstances in recent years, on or close to many driven grouse moors. Other, non-tagged birds, are likely to have suffered the same fate. Cases of raptor persecution have historically been difficult to prosecute which is why this legislation is wholly necessary.

There needs, however, to be greater clarity on certain issues with regards to a grouse shooting licence. For instance, both the owner and the occupier should be licenced with named persons responsible for the licence (tied to the land used to shoot grouse) identified, for a link to vicarious liability. If trusts and companies can be named as the lone licence holder loopholes could be formed leaving a gap in transparency and responsibility for the licence. There is already an example of justice being defeated in this way in 2015, where a prosecution for vicarious liability was thwarted because Police Scotland couldn't identify the landholder of an Aberdeenshire estate where a gamekeeper had been convicted and jailed for raptor persecution. The estate was registered as an off-shore company in Jersey and thus the details of ownership were concealed (see: <https://raptorpersecutionuk.org/2015/11/18/police-scotland-explain-failure-of-vicarious-liability-in-kildrummy-case/> ).

To minimise the suffering of animals that are shot throughout Scotland, all shooters should be subject to a shooting proficiency test. This should be enforced as part of the grouse licence's code of practice and the responsibility for ensuring all shooters have it should be with the licence holder. This is the normality in many European countries where shooters are required to pass tests of shooting proficiency and relevant theory (wildlife identification and biology, firearms use and safety, hunting techniques, and rules and laws). This also allows shooters themselves to receive a licence, which is retracted if they fail to adhere to regulations and will increase standards across the country where there is so little regulation. This test/qualification should also be necessary for other wildlife like the red-legged partridge and pheasants. This would be a highly appropriate step for this Bill which seeks to reform Wildlife Management practices in Scotland.

Moreover, there must be a provision for annual bag data and predator control licence returns. This will enable NatureScot to monitor intensity levels of grouse shooting and these



data should be critical to enable NatureScot to implement conservation and land management policy decisions based on actual data, rather than guesswork. Bag returns and predator control returns should be a condition of an annual licence. Failure to submit an annual return should result in a refusal to issue a further licence. This is proportionate and commensurate with other annual licences such as the Schedule 1 Disturbance licence issued to raptor fieldworkers, the BTO ringing licence, and the NatureScot Satellite Tagging licence. Note, all of these licences relate to wildlife management practices ranging from observation to trapping and releasing. Practices that include the killing of an animal should be equally and robustly licensed.

The list of wildlife crime offences that should be considered for licence removal needs to include Food and Environmental Protection Act (FEPA) in relation to illegal poisoning and firearm offenses should also be considered.

Importantly, REVIVE supports the creation of the Scottish Government/NatureScot powers to include further species in the licence system, should the need arise, particularly as it pertains to red legged partridges and pheasants. This would ensure that the intention of the act can not be avoided and it would act as a meaningful deterrent to illegal activity continuing by intentionally managing land for other species instead of grouse.

Finally, medicated grit stations on grouse moors needs to end but if this can be picked up in the code of practice we are content to leave consideration on this issue until then. The contents of the Code of Practice will also be important to introduce further animal welfare protection, which is not sufficiently addressed on the face of the Bill with regard to the use of traps.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

The SSPCA already have such powers where animals are under the “control of man” and the addition of their professional expertise in enforcing wildlife crime would assist Police Scotland and NatureScot in reducing wildlife crime in the future.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The most recent estimate, produced by the James Hutton Institute, is that 163,000 hectares or 2% of Scotland’s land area is burned for driven grouse shooting, particularly focused in certain parts of rural Scotland. Muirburn, even if carried out according to best practice, stops large swathes of Scotland from developing greater biodiversity and from sequestering more

carbon than currently. As such, muirburning is helping to perpetuate both the biodiversity and climate crises.

If muirburn is carried out according to best practice, it may not result in reduced biodiversity and carbon sequestration but it will prevent both from improving. Where muirburn does not adhere to best practice, it is likely to have significant negative impacts through reduced biodiversity, increased soil erosion and carbon emissions and reduced water quality. Best practice guidance published by the Scottish Government recommends not burning: in or near woodland (unless for nature conservation reasons); bracken areas; peatlands (defined as having a layer of surface peat of more than 50 cm in depth), bare peat or eroded areas; thin soils (less than 5 cm deep over underlying rock); summits, ridges or other wind exposed areas; steep hillsides and gullies; edges of waterbodies; areas subject to heavy grazing; areas previously identified by public bodies to be fire-free. It is further recommended that some patches of heather are left unburned. To reduce the chances of fires getting out of control it is also recommended that burning is not carried out when it is too windy or when the vegetation is too dry.

Adherence to best practice is currently voluntary and no regular monitoring is carried out of where, or how often, it is not adhered to. There is, however, some evidence, that burning over large areas of land is not being carried out according to best practice. Given the negative consequences of not adhering to best practice, it is imperative that muirburning is regularly monitored and is further regulated to ensure that all muirburning that does take place adheres to best practice.

However, even muirburn carried out according to best practice can have negative impacts on carbon sequestration and biodiversity. Although best practice dictates that blanket bogs with a peat dept of > 50 cm should not be burned, many blanket bogs can have peat depths of less than this. Burning can damage these blanket bogs, especially if they have been drained, leading to a reduction in the carbon sequestered by the bog. Burning of drier heaths prevents the succession of heathlands to a more diverse vegetation type that is more resistant to fire. In the long term, an unburned dry heath will turn into a woodland if there is a source of tree seeds and grazing pressures are low enough. A change to woodland also leads to improved soil productivity, increased shelter for domestic stock and wild animals, more shaded rivers that improve fish stocks, reduced downstream flooding and increased biodiversity as well as providing a potential source of timber and other woodland products. Burning prevents this transition from happening.

Managed grouse moors can be a suitable habitat for some wading bird species. Burned moorland is not ideal habitat for these species, however, and their survival there is more likely to be due to predator control than to rotational burning. If burning stopped, the structural diversity of the habitat would increase with taller vegetation and, in drier areas, trees and shrubs starting to come in. This would provide improved protection from predators for wading birds. Many of these species may therefore benefit from a cessation of burning rather than suffering from it. Additionally, the main reason that populations of many of these species are declining is because their preferred, more lowland, habitat is no longer available due to agricultural intensification. Addressing this issue would be the best way of increasing numbers of wading bird species.

One of the surprising claims from those who oppose grouse moor reform, is that muirburn for grouse increases carbon sequestration, partially by limiting the size and intensity of wildfires. It has been estimated that around 40% of the area that is burned for grouse is on blanket bog. If this is unburned, and undrained, then the peat soils in the bog remain wet in all but the very driest of times. Long-unburned and undrained bogs are dominated by bog mosses

so do not accumulate flammable material. Furthermore, if a fire does start on a wet bog, it passes over the top of the bog but does not permanently damage the vegetation and does not burn into the peat. The vegetation recovers quickly, there is no net loss of carbon and it continues to make peat and so to sequester more carbon. So the priority should be to block drains on such bogs and to stop regular burning. Additionally, wet, unburned bogs have high numbers of insects that provide food for a range of bird species, including red grouse so even red grouse are likely to benefit from blocking of drains on bogs and a cessation of burning. Muirburning on undrained, functioning blanket bogs is, therefore, unlikely to prevent wildfires from occurring. Blocking drains to re-instate functioning bogs would have a much greater effect on reducing the chances of wildfires on peatland areas.

On drier heaths, the situation is more complex. If muirburning stops, there is likely to be a transitional phase when the vegetation is dominated by tall heather. The amount of flammable vegetation will then be high. During this phase, any wildfires that do start, are likely to spread quickly through the heather canopy. Such fires could, therefore, become large, if not brought under control quickly. This does not mean, however, that there will be net carbon loss since there is normally a thick moss layer under a tall heather canopy that is likely to remain wet under all but the driest conditions. Currently we do not know how often these conditions are likely to occur. There is also a lack of information about the causes of wildfires in Scotland, so we are also unable to predict how often wildfires are likely to be started in areas that are currently subject to management burning. The incidence of wildfires, and their impact on net carbon emissions, will also be affected by the effort that is put into wildfire prediction and prevention. As such, it is not possible to predict whether managed burning of drier heathlands leads to higher, or lower, carbon sequestration than would be the case if burning stopped. In the long term, with a succession from heather moorland to a more diverse vegetation type, the vegetation will become less flammable than are managed heathlands. Given that carbon will be sequestered as the biomass of vegetation increases after the cessation of burning, it is most likely that stopping muirburn on drier heaths will result in net carbon sequestration. This is especially likely if increased effort is put into wildfire prevention.

Stopping muirburn does not mean that there could be no grouse shooting or that the number of jobs in rural areas would decline. Driven grouse shooting requires high densities of grouse to be worthwhile, and therefore high levels of muirburn. By contrast, walked up grouse shooting, where a shooter walks over the ground and flushes grouse, sometimes with the help of dogs, that are then shot, does not require burning. Walked up grouse shooting can, and does, therefore take place on estates where muirburn is not carried out. Additionally, stopping muirburning, and creating a more diverse landscape, can open up other opportunities for creating environmentally sustainable jobs and income such as through eco-tourism, deer stalking, venison production and the production of timber and non-timber forest products. The land would host a wider variety of habitats as well as plant and animal species. It would also provide a wider variety of outputs, would be more resilient to both climate change and novel pests and diseases and would be better able to hold water and so alleviate downstream flooding.

In conclusion, given the negative impacts of muirburning on the biodiversity and carbon sequestration potential of the uplands, as well as on their potential to provide ecosystem services and to generate sustainable jobs, there should be a presumption against all muirburn that has the sole aim of increasing the population of red grouse that are available to be shot for sport. There should also be a ban on all peatland burning. In addition, there should be regular independent monitoring, across the whole of Scotland, of where, when and how often, muirburning is taking place. Where muirburning has not adhered to best practice, the right to burn should be removed from the relevant land owner.

Stopping muirburn for driven grouse shooting will increase carbon sequestration and biodiversity across a large part of the Scottish uplands. It will also improve the provision of other ecosystem services and the potential for a wide variety of jobs to be created. Far greater regulation of this practice is therefore absolutely necessary.

We formally submit the following two independent reports that REVIVE commissioned as sources for the above analysis:

A Better Way: How an alternative to grouse moors could help tackle climate change, increase biodiversity and benefit Scotland's people - <https://revive.scot/wp-content/uploads/A-Better-Way-Web-Version.pdf>

Muirburning for grouse: does it increase or decrease net carbon emissions?(as a result of wildfires) - [https://revive.scot/wp-content/uploads/Muir\\_Burning\\_for\\_Grouse\\_online-version.pdf](https://revive.scot/wp-content/uploads/Muir_Burning_for_Grouse_online-version.pdf)

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

REVIVE supports the general thrust of the muirburn licence proposals but there are key issues that need addressed.

Firstly, REVIVE supports the Bill's intent to licence all muirburn, no matter the reason but it is unjustifiable on both ethical and environmental grounds that licences be issued for the purpose of increasing grouse numbers for sport shooting. Our submission to question 7 highlights the benefits of ending muirburn for grouse shooting and therefore we strongly advocate that the bill should remove game management as a reason for a licence being granted.

Moreover, muirburn was also considered by the Deer Working Group who concluded: "...there is no public interest justification for continuing to allow a general right of land owners and occupiers to carry out muirburn for deer. The environmental costs of these fires in upland environments is at odds with the Scottish Government's healthy ecosystem approach and its measures to mitigate climate change" (<https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/wildlife-management-and-muirburn-scotland-bill/introduced/policy-memorandum.pdf>). REVIVE concludes similarly that there is no justification for muirburn to be continued for grouse shooting.

The monitoring of large land areas will be costly and difficult to enforce which is why we support a system of at least full cost recovery for licencing and monitoring. But even if the muirburn code becomes a mandatory legal requirement of land managers, the large areas in which muirburn takes place will be hard to police without significant resources and without continued significant risk to our vital peat reserves. The grouse shooting industry has shown time and time again, particularly with regards to raptor persecution, voluntary restraint cannot always be relied upon. Therefore, this further supports REVIVE's position that a licence should not be given when the purpose is simply to increase grouse numbers for sport shooting.

Crucially, there also should be no burning on any peat without a proven need for habitat restoration, public safety or research. This would also be in line with the Climate Change Committee's recommendations and should not be compromised. The Scottish Government's own intention was to ban burning on peatlands so allowing it at certain depths, particularly for a purpose as unnecessary as grouse shooting, compromises those original and justified intentions. Public investment in peatland restoration and the carbon costs are too high for peatlands to be burned.

Additionally, the definition of deep peat should be 30 cm peat depth, as opposed to the significantly more compromised position of 40 cm and this would at least be an improvement on the Westminster Government's definition. This would signal that the Scottish Government is serious about the protection of peat from burning and thus would make a greater contribution to the protection of this vital carbon resource. It would also be in line with the Peatland Code, UK Peatland Strategy and international ecological definitions. Nevertheless, we reiterate that no peatland should ever be burned except for habitat restoration, public safety or research purposes.

Furthermore, we recommend that the muirburn season be reduced further than the Bill recommends with the end of the burning season being March 31st at the latest. This would provide better protection to ground nesting birds whose nesting period is likely to start earlier as climate changes progresses.

There is also a concern that if muirburn is allowed for the purpose of wildfire prevention/mitigation, this could allow individuals and estates to circumvent legislation. Therefore, muirburn for this purpose should be seen as a last resort where there is a high risk of wildfires and where alternative means of reducing flammable biomass, or creating a firebreak, such as cutting, grazing or planting broadleaved woodland, are not possible. A licence for burning for this purpose should therefore only be granted under these restricted circumstances.

Finally, and of vital importance, a muirburn licence should be linked to a licence to shoot grouse so that if the terms of a muirburn licence are broken then a grouse moor licence can also be removed. Tying a muirburn licence to a grouse shooting licence will be a further incentive for the terms of muirburn regulation to be adhered to.

## **Rickarton Estate**

The Rickarton Estate is a mixed farming enterprise located in the North-East of Scotland. We operate an extensive in hand sheep flock both in bye and on the hill. Although limited moorland management is carried out to improve sheep grazing and biodiversity red grouse are not shot and have not been for over two decades, there is no plan for this to change in the near future.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

We do not have a view on this proposal because we do not currently utilise glue traps under our management plan.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

The Estate utilises spring traps on a limited basis to aid in our biodiversity objectives. There traps are extensively regulated under current regulation outlining the way in which they must be set - in the case of traps for birds such as Larsen traps - already requiring licenses to be granted before they are used. The introduction of further red tape would hamper our efforts to conserve and promote red listed species which may lead to a decline in many rare species on the ground which we manage.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

The Estate utilises spring traps on a limited basis to aid in our biodiversity objectives. There traps are extensively regulated under current regulation outlining the way in which they must be set - in the case of traps for birds such as Larsen traps - already requiring licenses to be granted before they are used. The introduction of further red tape would hamper our efforts to conserve and promote red listed species which may lead to a decline in many rare species on the ground which we manage.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

While the Estate does not currently undertake the active management of red grouse or shoot the bird directly, our wider community benefits indirectly from the influx of people to the area for this purpose. We also gain indirectly from biodiversity gain as a result of the hard work other estates put in to managing their land to benefit red grouse, this aids our biodiversity targets especially with regard to oyster catchers and curlew which are in greater abundance locally due to their work.

In areas where there are restrictions on afforestation, such as over deep peat, grouse shooting provides an important revenue in addition to sheep farming. Our exit from the EU which reduces the export market for Scottish lamb on the continent as well as income pressure from a reduction of subsidies means that maintaining traditional diversification such as into the sporting industry is incredibly important for the long-term survival of Scotland's uplands.

The value attributed to grouse shooting also provides a potential future income stream should it become necessary to further diversify the sporting element of our business.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

Legislation already in place to regulate moorland management and the species which may be taken already acts to restrict the actions of gamekeepers and farmers in Scotland. Licensing regimes do not compliment that legislation which is aimed out outlawing individuals from committing crimes but simply targets business and rural communities allowing for poorly evidenced allegations to restrict land managers without undergoing formal judicial proceedings. They act as a way to undermine the rule of law by removing the courts a role in determining the validity of any allegations and placing a pseudo-judicial responsibility upon government quangos.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

It is the responsibility of the Government via Police Scotland to uphold wildlife legislation in the country. Delegating responsibility to bodies with a vested interest in a certain outcome is not a good policy, we would not allow people who take a keen personal interest in a murder

case to investigate a stabbing so why is it acceptable to allow an animal welfare charity the right to investigate wildlife crime when their officers may be unduly likely to show favour to a specific set of allegations because of the nature of the alleged crime or who they believe to have perpetrated it. The wider organisation is, for example, disproportionately likely to suspect gamekeepers in the death of a raptor regardless of the circumstances surrounding the individual case which may not only lead to innocent people being harassed and unfairly pursued but it may also lead to criminals of wildlife crime being overlooked because of the organisation's institutional bias.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The Estate practices both heather cutting and muirburn to promote new growth, while this is predominantly done to encourage grazing for our sheep and to provide fire breaks, there is an added, valuable benefit to the biodiversity over the land which we manage. There are few instances where further regulation will provide any positive impact over the way in which muirburn is carried out and, from our prospective, the reduction of the nutrient content of our hill ground (the Heather Trust has research which indicates that burning can increase carrying capacity of a piece of hill up to ten fold) would be a significant added headwind to our enterprise.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

Muirburn is already regulated by the muirburn code and can only be carried out within the burning season. Further restrictions would not serve to have any material impact on the way in which muirburn is carried out but would simply introduce yet another layer of red tape for land managers to apply for.



## **Rottal Estate**

An Upland Estate in the Angus Glens. We employ 8 people and have a number of different income streams from sheep and cattle farming, renewable energy (hydro and biomass) grouse shooting and catered accommodation, rough shooting and stalking and catered accommodation, events like weddings and Pop Up Cafes and Markets, and holiday lets.

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

I have no experience of glue traps or their use. I wanted to answer questions solely on grouse licensing, muirburn and other wildlife traps

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Operators of traps already work to very high standards. My gamekeepers (3) have been on GWCT training courses and refresher course at regular intervals or each time there is a change in the law or new traps introduced (like the DOC and Tully traps recently introduced).

Traps are often tampered with by people unrelated to the estate and either destroyed or deliberately interfered with. This could have dangerous consequences for wildlife and as such it should be an offence and carry similar penalties to those relating to spring traps in Section 5 of the bill.

It would be totally disproportionate for us to lose our ability to shoot grouse because of a minor trapping misdemeanour or if a trap had been tampered with by someone against grouse shooting to vexatiously incriminate us.

### **Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

### **Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

1. Unique Licensing Numbers (ULN) - The proposal to require these for instant kill traps like DOC traps is disproportionate, and would make it even easier for vexatious or malicious sabotage of these traps to get the ULN holder in trouble. It needs for tampering, interfering

and sabotaging to be made an offence with serious penalties to deter saboteurs from doing this

2. Modification Suspension Revocation - It would be disproportionate, and unreasonable to modify, suspend or revoke a licence for any crime other than those relating to the use of wildlife traps.

3. Application - I have concerns that it would be both disproportionate and unreasonable to give NatureScot power to decide whether it's "appropriate" to grant a licence. Licences should be granted unless there is proof beyond reasonable doubt that an offence in relation to the use of wildlife traps has been committed.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

It is important that there is a mechanism by which grouse moors involved in illegal raptor crime can be punished BUT it is also important that the majority of grouse moors who do not engage in illegal activity are able to carry on their legal business activity without being penalised for doing nothing wrong. We have been assured by Govt Ministers and Cab Secs that "law abiding grouse moors will have nothing to fear". I think it is important that this remains the case because as currently worded we feel like we have lots to fear, the future of our businesses, staff and the wildlife we look after to be the most concerning.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

I do not support the idea of licensing but if it is required it needs to be proportionate to allow those practising grouse shooting in a legal and law abiding way to carry about their business in a normal way and recognising the benefits that they deliver through enhanced wildlife, tourism, local employment, keeping local schools open and engaging with local communities, whilst giving the levers required to penalise those breaking the law. As it is currently drafted it is disproportionate. It gives NatureScot the ability to not grant or renew a licence if they don't think it "appropriate" with no definition of what "appropriate" is. Basing a business model on what NatureScot might or might not think "appropriate" from time to time and compounded by annual registration will make running a legal business almost impossible. The Annual registration requirement effectively makes my business model unworkable. It makes long term investing in the moor unviable and recruiting a new gamekeeper will become almost impossible.

I think the licence should be given to all grouse moors at the outset for a long period of time ie 20 years and those committing raptor crime can have their license removed. Making

everyone apply each year even if they have done nothing wrong is disproportionate and will give NatureScot a huge amount of unnecessary extra admin when they are already stretched. A better system would give everyone a long term licence and then either restrict it or take it away based on proven raptor persecution. NatureScot could then require someone on probation to for example renew on an annual or two yearly basis. The aim is surely to allow law abiders to carry on about their business unhindered but have a mechanism to remove a licence from law breakers but also encourage them to not break the law in future.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

I think this is a recipe for disaster. SSPCA are not trained to the same standards as police officers, their staff are often partisan in the views against shooting. I think it would lead to a lack of trust in the system

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Muirburn is conducted on grouse moors with the utmost professionalism. Indeed gamekeepers are often used to help the Scottish Fire Service fight wildfires as they have the training, the experience and the equipment required.

I think the regulations need tightening to make sure that all those that conduct muirburn do it to the high standards seen on grouse moors.

Like the other parts of this bill it is important to prevent the poor operators whilst not penalising the professional and legal operators. It needs to remain proportionate

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

I have concerns over the definition of peatland. We have areas of dry heath with little peatland but with small areas of deep peat within these areas. Trying to decide whether an area is peatland or not peatland becomes almost impossible and we will be in constant fear of inadvertently breaking the law.

It is important the law is proportionate and adheres to the science. There is a lot of data/research showing how sensible muirburn is good at sequestering carbon, preventing wildfires and beneficial to ground nesting birds. The latter has definitely been born out here at Rottal where we have good populations of curlew, lapwing, golden plover, snipe, black grouse, ring ouzel, skylark, wheatear, stonechat and whinchat nesting in the shorter vegetation. It is important that any legislation is well thought through, proportionate and doesn't have the unintended consequences of reducing wildlife or causing damaging wildfires.

## **Roxtons**

We arrange and manage driven game shoots through out Scotland bringing many teams from overseas who spend much needed money on the rural economy and businesses.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

See next question.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Operators of wildlife traps already operate to high professional standards, with many practitioners undertaking training on a voluntary basis.

There is no evidence that additional regulation on the use of wildlife traps is necessary. It would be possible to maximise adherence to best practice and reduce the probability of non-target catch through the provision of training alone.

It should be an offence to tamper with, interfere or sabotage a wildlife trap. The penalties for this should reflect those relating to the use of spring traps in section 5 of the Bill

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree reasons**

Unique Licence Numbers:

The proposal to subject wildlife traps that kill instantaneously to unique licence numbers is disproportionate and likely to result in unintended consequences. Unique licence numbers should only be applied to live capture traps where there are heightened animal welfare considerations.

Interference with unique licence numbers by parties with vexatious agendas is a cause for real concern and is the obvious way of sabotaging a licence holder. Provision must be made

to made to maketampering, interfering and sabotaging a wildlife trap an offence with penalties reflecting those in section 5 of the Bill.

**Modification, Suspension and Revocation:**

It would be disproportionate and unreasonable to modify, suspend or revoke a licence for any crime other than those relating to the use of wildlife traps. It would be unfair and illogical to impose penalties under a trap licensing scheme for alleged offences that have no connection to the use of wildlife traps.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

**Application:**

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless there is proof beyond reasonable doubt that an offence in relation to the use of wildlife traps had been committed.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. It is wrong that grouse moor owners and occupiers are being singled out for a punitive civil sanctioning regime against that background.

There are already robust measures in place to deter and punish the persecution of raptors in Scotland.

These include recently strengthened criminal penalties (including unlimited fines and lengthy prison sentences), the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

If licensing is introduced, it would be completely disproportionate, unreasonable and discriminatory for NatureScot to interfere with the right to shoot grouse for any reason other than robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The licensing scheme is unworkable on a practical level and unfairly singles out grouse moor operators for punitive civil sanctions without justification.

The right to shoot grouse should only be interfered with if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

The Bill gives NatureScot the discretionary power to grant or refuse licences on the basis of its perception of “appropriateness”. This is a very broad test that could result in licences being refused for any number of reasons. It cannot be right that licences are refused on lower grounds than suspension or NatureScot’s licensing team is already overburdened. The discretionary application procedure proposed is likely to result in inordinate delays.

The Bill says licenses may only be granted for a maximum period of 12 months. Businesses will therefore not know from one year to the next whether they are able to operate. This uncertainty will severely inhibit their ability to plan for the future, take on employees and invest in rural Scotland.

This will, in turn, disincentivise grouse shooting and moorland management more broadly, which will have adverse downstream consequences for the economy and the environment. Grouse moor management is a long-term investment and the licence duration should reflect this reality.

The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing against the license holder or person managing the land. That is unfair, disproportionate and will create uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

The consequences of licence suspension or revocation would be devastating for the grouse rightsholder, their employees and the wider community. Jobs, homes and businesses would be lost. It would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or guidance contained in a code of practice). The only trigger for any adverse licensing decision (be it refusal, modification, suspension or revocation) should be robust evidence that proves raptor crime had been committed on the estate by a relevant person beyond reasonable doubt.

The broad definition of relevant offences is discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.

On a one-year licensing system, the difference between suspension and revocation is academic. It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that raptor

persecution had been committed by a relevant person beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

Overall, the licensing scheme is discriminatory because it will result in people with the right to shoot grouse being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management and without criminal wrongdoing being proved beyond reasonable doubt.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Affording charities statutory powers to investigate any crime sets a dangerous precedent. There would be a deficit of accountability and oversight of their work.

Scottish SPCA staff are not vetted nor trained to the same standard as police officers, which could potentially compromise wildlife crime investigations.

Scottish SPCA staff are overt in their expression of partial views (including around legal land management tools and countryside activities) which could lead to investigations being tainted by bias.

The partial views of the Scottish SPCA in relation to legal land management tools and countryside activities has resulted in an erosion of trust and confidence in the charity among many landowners and land managers.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. Additional regulation has the capacity to detract from these important benefits.

Muirburn is conducted with absolute professionalism and in accordance with best practice by the vast majority of grouse moor managers. The provision of training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.



**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

The definition of peatland is arbitrary and illogical. There is no science to support the introduction of greater controls on burning where there is peat deeper than 40cm.

The licensing system puts the onus of determining whether the land is peatland or not peatland on the licence applicant, despite the policy memorandum acknowledging that Scotland does not currently have soil mapping data for peat with a depth of 40cm.

NatureScot's recent review of the evidence on muirburn confirmed that the only way to measure peat is to use a peat probe. Peat depth can be highly variable across a small area, meaning it will be impossible for an applicant to determine, with absolute certainty, whether the land to which the licence relates is peatland (defined as peat deeper than 40cm) or not peatland.

Probing every inch of ground is practically impossible and would be damaging to the peat. This approach to licensing could result in responsible people inadvertently breaking the law. It also makes the law difficult for NatureScot to enforce in practice. This lack of certainty makes the licensing system unworkable.

## **RSPB Scotland**

RSPB Scotland is part of the RSPB, the UK's largest conservation charity, promoting and campaigning for the conservation of birds, other wildlife and the natural environment.

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

RSPB Scotland acknowledges and supports the Scottish Animal Welfare Commission's recommendation of a full ban on the use of glue traps.

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

RSPB Scotland welcomes and strongly supports the additional regulation of wildlife traps.

In our view, both as a landowner and as a conservation body, the killing or taking of vertebrates is a matter of last resort that should be carefully justified on a case-by-case basis, rather than a default, everyday management tool. We accept that while non-lethal solutions should always be the preferred way of managing wildlife conflicts, these are not always practical or effective, and therefore lethal and humane vertebrate control measures may sometimes be required. However, this should only be considered when the seriousness of the problem has been established; non-lethal measures have been assessed and found to be impractical; killing is an effective way of addressing the problem; and, it will not have an adverse impact on the conservation status of the target or other non-target species.

It is our experience that the current suite of traps authorised for the live capture of birds, largely permitted by General Licences issued annually by NatureScot, are part of a system that is both unaccountable and poorly monitored and is therefore open to abuse. Over twenty years, we have witnessed, documented and reported to the Police, Scottish SPCA and/or the licensing authority numerous instances where such traps are used as 'cover' for the criminal destruction of birds of prey, particularly through the abuse of cage traps permitted to catch corvids, or other instances where there is a complete disregard of the conditions of use for such traps, for example the provision of adequate shelter for decoy birds, or daily checks of such traps. These reports have resulted in several prosecutions.

We anticipate that wider concerns we have over the lack of evidence to support inclusion of certain birds in the list of species that can be trapped or killed; the use of meat baits in certain traps; the lack of evidence to support year-round use of certain traps; and addressing issues of non-target species captured in such traps can be covered by the upcoming review of species licensing. However, in our view it is critical that this review be expedited and

works in parallel with the Wildlife Management and Muirburn Bill so that any of its subsequent recommendations can be incorporated - and whilst noting that some of these recommendations should be able to be made without recourse to primary legislation.

We support a thorough standardisation of both trap design and of the regulations governing all forms of devices used to trap animals and birds, to provide clarity not only for accredited, trained practitioners but also for those seeking to ensure the regulations governing such devices are adhered to. We also suggest that having a standard design will address increasing concerns about the lack of selectivity and levels of bycatch particularly associated with mammal traps theoretically intended to target mustelids.

We agree that all traps should be fitted with the unique identification number of the operator and in line with existing provisions for use of snares.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

We welcome and strongly support the proposed licensing system for certain wildlife traps.

RSPB Scotland staff routinely apply for licences to engage in, for example, the capture, possession, release, disturbance, photography or marking of a wide spectrum of species as part of specific conservation work. Similarly, we work closely with Scottish Raptor Study Group workers and bird ringers, most of whom require a licence and training to undertake their studies. All these licences are issued with a reporting requirement to either NatureScot or British Trust for Ornithology as a condition.

Given the above, it is wholly inconsistent that other individuals can legally kill or take a large, but currently unknown, number of birds and animals in Scotland every year, without the Scottish Government's statutory nature conservation advisors, NatureScot, having any idea of what; where; by whom; and through which methods this is taking place (either as quarry or during legal control programmes). In most other European countries these are mandatory requirements.

We strongly advocate, therefore, that a condition of being issued with a trap licence should be a statutory reporting requirement for all bag data to provide statistics for conservation and other relevant policy decision-making and to allow the annual publication of anonymised statistics for transparency and public scrutiny.

We welcome the clarification provided by the new Section 12A(7) of the 1981 Act where the licence number which is displayed on a trap is presumed in any proceedings to be the wildlife trap licence number of the person who used the trap, bringing this into line with the current presumption provided by Section 11D of the 1981 Act as it applies to snares. This closes a significant loophole provided by current wording in General Licences that we drew attention to in our earlier consultation response.

We are, however, concerned that the list of “relevant offences” listed for the new Section 12D(5) of the 1981 Act is too narrow, and should also at least include offences under Sections 1, 5, 10A, 15A and 18 of that Act. We also recommend that the advice of the Scottish SPCA should be taken as to whether offences under the Animal Health and Welfare (Scotland) Act 2006 should be included, as we are advised by them that the welfare of birds used as decoys in traps is frequently compromised by their operators. Similarly, we suggest that the conditions permitting suspension or revocation of such a licence should be parallel to those currently used to restrict the use of General Licences by NatureScot, i.e. “where there is evidence to suggest that a wild bird or birds has/have been killed, injured and/or taken, and/or that an attempt has been made to do so other than in accordance with a licence, or where General Licences are being otherwise misused”.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

RSPB Scotland welcomes and strongly supports the overall intentions and structure of the grouse moor licensing parts of the Bill.

The RSPB Investigations team has assisted and supported the Police in the follow-up to hundreds of raptor persecution and other wildlife crime incidents in Scotland over the last three decades and has provided evidence that has contributed to multiple successful prosecutions of those engaged in such crimes, the vast majority of whom have been employees of gamebird shooting estates.

We are all too aware, however, that in only a small proportion of cases does a police investigation culminate in a court case, owing to the challenges in securing a sufficiency of admissible evidence. Those undertaking the illegal killing of birds of prey clearly do not wish to be caught, and such activities are carried out in remote areas where they are likely to remain unwitnessed and undetected. Public access in many rural areas is concentrated on or close to paths and tracks, and the perpetrators of criminal activity are aware that any illegal activities away from such routes will likely remain undiscovered. The premise that detected raptor persecution cases represent the “tip of the iceberg” is well understood and accepted.

Often the only clues that illegal behaviours may be occurring are a sustained failure of successful breeding by species such as Golden Eagle, Hen Harrier, Peregrine, or Red Kite in areas with suitable nesting habitats, ample available food, and an absence of nest predators due to systematic legal predator control; the repeated turnover at traditional nest sites of adult birds that ordinarily should have a high year-to-year survival rate; or, the sudden, disappearance of satellite-tagged raptors, as confirmed by the NatureScot Commissioned Report 982 of 2017 “Analyses of the Fates of Satellite Tracked Golden Eagles” that led the Scottish Government to establish the independent Grouse Moor Management Group (Werritty Review). These illegal incidents are widespread and ongoing, and contradict the repetitive, unevicenced narrative perpetuated by some in the shooting sector, that crimes against raptors are at an “all time low”.

However, even when more obviously tangible evidence, such as an illegally shot or poisoned bird, is recovered and perhaps points to the small number of identifiable individuals who

have the motive, knowledge, access, equipment, and opportunity to carry out such offences, it is still nearly impossible to charge the perpetrator(s) and have confidence in a level of evidence that will satisfy the criminal burden of proof “beyond all reasonable doubt” to secure a conviction.

The pattern of repeated offences taking place on a sizeable number of grouse moors, notably in the Southern Uplands and the Central and Eastern Highlands, demonstrates unequivocally that the current suite of sanctions available have failed to deter or prevent these crimes from continuing. The most recent Scottish Government Wildlife Crime report, covering April 2020 to March 2021, includes incidents where a young white-tailed eagle was poisoned on one Aberdeenshire grouse moor, and a golden eagle was poisoned on another. The recent shooting, in the middle of the day, of a Red Kite on the moor at Lochindorb is just another example of a long-standing and flagrant disregard for the law. It is telling that all of these recent crimes occurred in areas with a long history of raptor persecution offences.

There is an overwhelming weight of peer-reviewed science, innumerable police investigations and a considerable amount of witness evidence proving that crimes against raptors are inextricably linked to grouse moor management. The latest peer-reviewed study, to be published in the scientific journal *Biological Conservation* in May 2023, analyses data from over 140 satellite-tagged hen harriers and highlights very low survival rates and shows that mortality hazards due to illegal killing were higher for birds using upland areas managed for grouse shooting. The magnitude of mortality due to illegal persecution, which accounted for between 27-75% of annual mortality depending on age class and sex, highlights the continued widespread illegal killing of this species across grouse moors in Britain, with particular hot spots for this in the central and eastern Highlands of Scotland.

We recognise that successive Scottish Governments have taken a number of steps to address the persistent problem of raptor crime linked to grouse moor management over the past two decades, including the introduction of incremental improvements to wildlife protection legislation and increased penalties available to the courts. However, it is now widely accepted that a step change with meaningful deterrents to wildlife crime is now needed. We therefore support most strongly the proposal to use a civil burden rather than a criminal burden of proof in raptor crime cases, with the public checks and balances provided by Police and NatureScot underpinning the proposed system of sanctions - including the ultimate sanction of the removal of the right of an owner/occupier to shoot grouse on a specific area of land and where the public authorities are satisfied that wildlife crimes are occurring.

A licensing scheme explicitly does not mean an end to grouse shooting. We believe that it will drive a move towards higher standards and more sustainable approaches to gamebird shooting in line with the common standards of regulation of gamebird shooting adopted in most other European countries. We note in this regard the NatureScot Report 942 “A Review of Gamebird Law and Licensing in Selected European Countries” published in 2017. Many sporting clients from abroad who shoot grouse in Scotland will be familiar with working within a more regulated system. It will also provide an immensely powerful incentive, at last, for grouse moor managers to marginalise persistent lawbreakers, while raising the bar to support those who already operate to a high standard.

We note that the “Werritty” review of grouse moor management, published in October 2019, recommended that grouse moor licensing be introduced, if within five years of the publication of their report “there is no marked improvement in the ecological sustainability of grouse moor management”. In November 2020, the Scottish Government responded to the Review Group’s recommendations saying “The Scottish Government agrees that a licensing scheme

should be introduced. However, we believe that it should be implemented earlier than the five-year timeframe suggested by the Review Group.” It added that “despite clear and repeated messages from Scottish Ministers that such activity is entirely unacceptable, raptor persecution continues to be a significant and ongoing issue in Scotland”. Sadly, as discussed above, this remains the case and the five-year moratorium on licensing being introduced, suggested by Professor Werritty’s report, ends in October 2024.

Lastly, since grouse shooting licensing is explicitly intended to address the illegal killing of raptors on grouse moors, RSPB Scotland would like to see a firm commitment by Scottish Government and NatureScot to ensure that appropriate long-term raptor monitoring for these areas is supported. A key indicator of improvement will be the establishment of a typical moorland raptor community breeding successfully in places where they are currently absent due to human persecution. Whilst noting and welcoming that the National Hen Harrier Survey is proceeding this year, in recent years support for the long-established SCARRABS monitoring programme has been less reliable. Such surveys, using recognised and consistent methodology, and independently scrutinised via a peer review process, should be a baseline against which improvements to these species’ populations can be measured in future. Therefore, we recommend a 5-yearly monitoring programme for Hen Harrier, Peregrine and Golden Eagle to take place in the Central and Eastern Highlands and in the Southern Uplands.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

RSPB Scotland welcomes and largely supports the Bill as drafted. We welcome in particular the fact that both an area of land managed for grouse shooting purposes and that an owner/occupier will be licensed – subject to clarifications regarding the latter below.

In recent years, NatureScot have imposed restrictions on the use of General Licences on a number of landholdings on the back of confirmed evidence of criminality passed to them by Police Scotland. That evidence showed, to a civil burden of proof, that for example “those activities had been carried out by owners or managers of that land”. As a landowner, employer, and user of General Licences, RSPB Scotland is satisfied that this approach is fair, robust and proportionate. Indeed, knowing the circumstances in which most of these restrictions were imposed, and the need for both the process and the evidence to be robust, we suggest that NatureScot’s current due diligence and meticulous approach goes somewhat beyond a civil burden of proof.

We support a similar protocol being used for the application of sanctions in relation to grouse moor licences, and we also support a variety of sanctions being available, depending on the gravity of the offences considered. We are satisfied that the thorough scrutiny given to the evidence by both Police Scotland and NatureScot officials in considering General Licence suspensions is sufficiently rigorous to discount any attempts to implicate innocent third parties in criminality, and we suggest this process can be made directly transferrable to proposed similar assessments in relation to grouse shoot licences.

That said, as well as requiring adherence to legislation, section 16AA(6) of the Bill states that the holder of a licence must “have regard to” a Code of Practice that will provide “guidance about managing land” used, under a licence, for grouse shooting. RSPB Scotland recommends that the wording of this section needs to be amended to state that a licence holder should have to ‘comply with’, rather than simply “have regard to” this Code, making the language here consistent with the use of the term “compliance” in the earlier section 16AA(2). [We make similar comment later with regard to muirburn.] We agree with the “relevant offences” listed in section 16AA(11), but we recommend that this list should also include offences under the Animal Health and Welfare Scotland (Act) 2006 - depending on the advice of the Scottish SPCA as lead animal welfare experts.

This Code is essential in ensuring that grouse moors are managed in an environmentally sustainable and legal manner. Therefore, it needs to be comprehensive, in addressing predator control; Mountain Hare management (under licence); muirburn (with appropriate cross references to Part 2 of the Bill and the new Muirburn Code); the use of medication; the establishment and/or management of hill tracks and fencing; and the use of lead ammunition. We contend that the Code needs to be developed by NatureScot and signed off by their Scientific Advisory Committee.

The Code also needs to be robust, with adherence to best practice required in relation to the above aspects, and clear, with provisions that must be followed to ensure compliance. In our experience, requirements in Codes of Practice that are voluntary, are often written so as to be too vague to definitely determine compliance and/or are routinely ignored. Compliance monitoring is also critical to ensuring adherence to the Code, but current legislation does not permit officers from the licensing authority to enter land to do so. RSPB Scotland recommends that NatureScot officials are given such powers, by the introduction of an amendment to the 1981 Act to allow their officials to enter land for this purpose.

We would welcome some clarity over the issue of the relationship between the licence-holder and the “owner or occupier”, how this will reflect the Scottish Government’s desire to increase the “transparency of land ownership”, and how this will sit alongside the Register of Persons Holding a Controlled Interest in Land Regulations 2021. We are concerned that the definition of “owner or occupier” could still relate to a Trust rather than a clearly named individual, noting also the difficulties faced previously by statutory agencies when trying to establish who may be vicariously liable for raptor persecution offences.

As with the provisions for regulating trap use discussed earlier, we strongly advocate that a condition of being issued with a grouse shooting licence should be a statutory reporting requirement for all bag data to provide statistics for conservation and other relevant policy decision-making and to allow the annual publication by NatureScot of anonymised bag statistics for transparency and public scrutiny.

We welcome the procedures set out for appeals against suspension or revocation of a licence, and that the appeal will be determined on the merits of the evidence, rather than on administrative processes. We suggest that such an appeal system highlights the need for an Environmental Court, and should that be established, these appeals should, in due course, be transferred to the jurisdiction of that Court. We are concerned, however, that the appeals process is very one-sided, with proceedings limited to consideration of decisions to suspend or revoke a licence. We suggest that, in the interests of justice and even-handedness (and compliance with the Aarhus Convention), “a person” should be able to appeal the granting of a licence, the failure to attach a condition or the failure to modify, suspend or revoke a licence.

We seek clarity on what happens to a licence suspension during an appeals process. Currently, general licence suspensions are lifted if an appeal is lodged, but as far as we are aware, in most cases, this has been for a relatively short period of a few weeks. However, given the appeal system for a grouse shooting licence involves the evidence being put before a Sheriff, we suggest that this is likely to be a lengthier process. We are concerned that a licence being reinstated during any appeal would allow any sanction offered by a revocation to be avoided, even if the grounds for an appeal are subsequently considered to be without foundation. We also seek confirmation that the revocation/suspension of a licence that was issued for one year could disqualify an applicant from being issued with a similar licence in the subsequent year.

Another area of concern we raised in our response to the Scottish Government consultation in December, but we feel has not been adequately addressed in the Bill, is that that should a licence to shoot grouse be suspended in a particular area, under current arrangements unregulated releases of species such as Red-legged Partridge or Pheasant could simply be used to provide a substitute quarry species and undermine or avoid the intended impact of such a suspension.

While “introduction of new species” is regulated by section 14 of the 1981 Act, section 14(2A) disapplies this restriction in relation to common pheasant and red-legged partridge. We recommend that in the new section 16AA, an additional power is included to be used in the event of a licence suspension or revocation, for Scottish Ministers and/or NatureScot to disapply section 14(2A) in relation to the land affected. Any such amendment would be short-term, pending a wider review of section 14 by the Natural Environment Bill. We suggest that this would be a targeted, proportionate response to prevent an individual switching to releasing birds as a means to avoid the sanctions from a licence suspension/revocation.

Whilst charging for grouse shooting licences has been enabled by new section 16AA(3)(c), there is no clarity or provision on how these charges would be determined. RSPB Scotland urges that such a licensing scheme, created in response to deter criminal activity and address unsustainable management practices, should be cost-neutral to the public purse.

This principle is not only entirely consistent with other charging schemes operated by the Scottish Government or its agencies (including, for example, the fixing of charges for water services (section 23 of the Water Environment and Water Services (Scotland) Act 2003) or Paragraph 6 in Schedule 5 of the Water Environment (Controlled Activities) (Scotland) Regulations 2011)), but also with the “Polluter Pays Principle”, as per the ‘Continuity’ Act. Given limited NatureScot budgets for nature protection and recovery, it is imperative that resources are targeted at those objectives, and not diverted to the administration of a licence scheme that should be funded by the applicants. Further, we gather that Natural England now apply cost recovery for licensing services and therefore some consistency of approach seems appropriate.

Therefore, we recommend that the Bill is amended to require charges, and that such charges are set at a level that ensures cost recovery. We further recommend that similar amendments should apply to licences for the use of traps and for muirburn.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**



Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

RSPB Scotland welcomes and strongly supports the proposal to give Scottish SPCA Inspectors additional powers to investigate wildlife crime, and we were pleased to be invited to contribute, last year, to the taskforce established by the Scottish Government to examine this issue.

The Scottish SPCA has a long history of working in partnership with the police and other agencies, investigating crimes such as bird of prey persecution, badger baiting and illegal snaring. It has specialised equipment and facilities capable of handling live animal casualties. Since wildlife crime and animal welfare are inextricably linked, and gunshot injuries, illegal traps and snares often cause unnecessary suffering, Scottish SPCA inspectors routinely identify and report offences contrary to the Wildlife and Countryside Act (WCA) alongside offences contrary to the Animal Health and Welfare (Scotland) Act 2006 (AHWSA).

The network of full-time Scottish SPCA inspectors clearly provides a valuable additional resource capable of identifying and reporting WCA offences, yet whilst current legislation gives a Scottish SPCA inspector powers to enter land to search for and seize evidence of offences under the AHWSA, they have no similar powers under the WCA.

The AHWSA only covers situations where an animal is actively suffering. This means that a Scottish SPCA inspector may intervene when an animal is injured or starving in an illegal trap or snare, but cannot intervene before an animal has been caught, or if it has already died. In those circumstances, the inspector must wait for a police officer to become available. Thus, a Scottish SPCA inspector, called to a live bird of prey suffering from legs broken in an illegal spring trap can enter land under his AHWSA powers to seize the bird and the trap, but cannot seize or search for an identical trap set nearby.

The Scottish SPCA is one of over fifty specialist reporting agencies that can report evidence of any offence directly to the Crown Office and Procurator Fiscal Service (COPFS), and in most years, a sizeable number of the cases it reports involve wildlife, resulting in the successful prosecution of offences under the WCA, as well as the AHWSA.

Any decision on whether a potential prosecution should proceed remains solely with the Crown Office Procurator Fiscal Service based on an independent assessment of the evidence. Subsequent conviction or acquittal on that evidence remains a matter for an independent court of law. The Scottish SPCA supplies annual data and statistics on its investigations for inclusion in the Scottish Government's annual wildlife crime report alongside those of other agencies. As with all charities, the Scottish SPCA remains publicly accountable through the Office of the Scottish Charities Regulator.

In conclusion, extending the powers of Scottish SPCA inspectors to enter land and gather evidence of Wildlife and Countryside Act offences would provide a significant number of additional professional personnel, with specialist training and experience in both investigating and reporting wildlife offences, as well as working alongside the police. This "free" resource, paid for by Scottish SPCA members, would complement and support the

police, increase the likelihood of securing best evidence, and increase the deterrent effect through more effective enforcement and successful prosecutions.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

RSPB Scotland strongly agrees that there is a need for additional regulation for muirburn. We believe this is required for several reasons:

1) The existing regulatory framework is no longer fit for purpose. Muirburn is currently regulated under the Hill Farming Act 1946. That Act was created in the post-war era where the emphasis was on improving the productivity of the land, but today we face a nature and climate crisis and need a more modern regulatory framework.

2) The existing regulatory framework does not prevent bad practice in relation to what is a high risk land management activity. The RSPB is frequently sent images of poor muirburn by members of the public. These images record muirburn that has burned through bird of prey nest sites; takes place too close to raptor nests and results in nest abandonment; has burned into woodland and through naturally regenerating trees; or is on steep slopes or scree used also by nesting birds. The Muirburn Code is meant to help ensure adherence to good practice, but it is, in effect, voluntary. The current Muirburn Code is also explicit that burning should not take place on peatlands but in our experience, and according to public citizen science data submitted our Burning App this provision is widely ignored.

In 2021, the RSPB launched its 'Burning App', and invited members of the public to submit details of muirburn they had seen taking place. In 2021-22, over a third of reported burns in Scotland (93 of 269) were assessed as likely to have been on peat of more than 30cm depth, with 18.6% likely to have occurred on peat >50cm depth. In 2022-23, again over a third (62 of 162 reports) were mapped as likely to have been on peat of greater than 30cm depth, with 28 of these (16.9%) on peat >50cm depth. We have supplied this data to NatureScot.

3) There appears to have been an increase in muirburn in recent decades. Research by the RSPB Centre for Conservation Science (<http://dx.doi.org/10.1016/j.biocon.2015.06.014>) documented that on grouse moors muirburn intensity has increased in recent decades and much of this burning takes place on deep peatland soils. A subsequent Scottish Government-commissioned review "Mapping the areas and management intensity of moorland actively managed for grouse" identified 2,534-kilometre squares of land where burning intensity had increased from 2005-11 to 2018, and only 568 where it had decreased. At a time of climate emergency, this is a worrying trend.

4) Our peatlands are immensely valuable and need protecting. Although muirburn can be undertaken over a range of soil types, it does take place on peat. Burning on peatlands damages them and this is important because our damaged peatlands, around 80% of which are degraded in some way, are a major source of greenhouse gas emissions. In 2019, peatlands in Scotland emitted 6.3 MtCO<sub>2</sub>e, which was about the same as the 'Energy Supply' or 'Residential' Sectors. We need to restore our peatlands so that they go from their

current state where they are a source of emissions, to being healthy and sequestering and storing carbon, thus helping tackle climate change.

Proponents of the status quo will argue that muirburn does not damage the peat and that so-called 'cool burns' simply remove the vegetation, but burning has longer term impacts on the water table and peatland function resulting in long-term drying out and carbon loss. Post burning areas are also exposed for a number of years until re-vegetated. The science on the impacts of burning can be contested, but the weight of scientific opinion views burning as detrimental. Peatlands are a form of wetland and they do not need to be burned at regular intervals to be healthy.

Research undertaken on managed moors in the north of England, which has recently published an update, is routinely being quoted by representatives of the land management sector as justifying the ongoing use of burning management as having a positive contribution to carbon storage. We are concerned however, that this report has not been peer-reviewed and its results are far from conclusive, let alone widely accepted. While this research adds to the debate, some key factors impacting carbon exchange have been excluded, and some of its findings are purely speculative.

The Scottish Government is correctly investing substantial amounts of public money on peatland restoration in order to help deliver Net Zero targets and it is therefore vital that these measures are not put at risk. In this context, greater regulation of muirburn, including the requirement to produce burning plans and constraint mapping, as well as the development of an updated Muirburn Code, underpinned by statutory provisions, are entirely reasonable and proportionate. The Climate Change Committee Report on Land Use; Policies for a Net Zero UK report has recommended a ban on rotational burning on peatlands.

5) Muirburn can cause wildfires: NatureScot's recent Research Report 1302 (Reviewing, assessing and critiquing the evidence base on the impacts of muirburn on wildfire prevention, carbon storage and biodiversity) noted evidence that muirburn directly causes a proportion of wildfires; this is cited as between 15-60% of all such incidents, or 24-68% if lowland incidents were excluded. The review also noted that there is a lack of evidence from Scottish or wider UK studies that variation in fuel loads resulting from muirburn influence the occurrence of wildfire in moorland.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

RSPB Scotland welcomes and strongly supports the overall intentions and structure of the muirburn licensing parts of the Bill.

Section 9: Requirement for muirburn licence

RSPB Scotland supports this legislative change which essentially makes it illegal to undertake muirburn except under licence. This change should represent a mechanism that introduces a better regulatory framework for a practice that has been weakly regulated to

date. In our view, muirburn is a high-risk land management activity which should only be carried out only by expert practitioners, with access to the correct fire suppression equipment, and in accordance with best practice - including avoiding important ecological and other features which should not be burned.

## Section 10: Application for muirburn licence

RSPB Scotland appreciates what the Bill is attempting to do in terms of specifying the purposes for which a muirburn licence can be granted. This establishes a legitimate reason for undertaking burning. We also appreciate that the Bill seeks to establish a different approach on peatland and, notwithstanding issues with the definition of peatland, we welcome the prohibition of muirburn on peatland for game management, for deer management (as recommended by the independent Deer Working Group Report) or for improvement of grazing. The principle that peatlands should be protected from burning has already been acknowledged in that the current Muirburn Code, written primarily by moorland managers, states that burning on peatland should not take place.

We do, however, question the purposes for muirburn on peatland (Section 10 (2) (b)). We note that the IUCN Peatland Programme, in its position statement on burning issued in April 2023, states that the overwhelming scientific evidence base points to burning on peatlands causing damage to key peatland species, peatland ecosystem health, and the sustainability of peatland soils; that burning vegetation on peatland brings no benefits to peatland health or sustainability; and that the most effective long-term sustainable solution for addressing wildfire risk on peatlands is to return the sites to fully functioning bog habitat by removing those factors that can cause degradation, such as drainage, unsustainable livestock management and burning regimes. It suggests that rewetting and restoring will naturally remove the higher fuel load from degraded peatland vegetation.

In recent years two extensive and significant moorland wildfires started on ground neighbouring our landholdings at Forsinard in Sutherland, and Dove Stone near Manchester – while these spread into our re-wetted peatland areas, the damage was less severe, suggesting a natural mechanism for increasing the resilience of peatlands to wildfire.

We agree with the IUCN's position, and we are highly sceptical of a need to burn for restoration and wildfire prevention on peatland. With regard to the latter, there is a lack of evidence from field studies that variation in fuel loads resulting from muirburn influence the occurrence of wildfire in moorland. Indeed, muirburn is associated with outcomes that could potentially increase the susceptibility of peatland to wildfire, including a lowering of peatland water tables, and the perpetuation of a fire-prone, heather-dominated sward. We therefore consider the oft-repeated claim that muirburn is necessary for wildfire prevention to be unsupported by empirical evidence.

This suggests that we should simply not be burning on peatland and these purposes could be removed.

Having said this, we expect that the response from some land managers will be to say that there are some rare instances where burning is required and if the purpose is not written in to law then it would not be possible. There are, for example, concerns about the wildfire risk associated with the build-up of fuel load that may arise if burning stops on (re-defined) areas of peatland and we believe that NatureScot want to retain burning as a tool in the box for restoration, even if it is seldom, if ever, used.

We therefore understand the desire to have these purposes in legislation, even if we do not necessarily agree.

If the purposes for burning on peatland are retained and enacted, we would ask the Committee to explore how the Government and licencing authority will be able to prevent this becoming a large loophole that would undermine the intention behind the legislation. In recent years traditional burning management for grouse has been reframed as also being about wildfire prevention. We require considerable reassurance that the licencing authority can operate the licencing regime so that burning on peat is actually for its intended purpose and really required? We worry that NatureScot will not be properly resourced to assess each application properly and that a generic fear of wildfire will lead to a default granting of licences to burn on peatland.

#### Section 11: Grant of muirburn licence

RSPB Scotland welcomes the fact that a licence will only be granted if it is considered appropriate after having regard to the applicant's compliance with the Muirburn Code. We agree that the licensing authority can choose not to issue a licence to anyone who has previously not complied with the Code.

We note that this section seeks to ensure that burning on peatland is only possible where it is necessary for the specific purpose—which raises the issues above about the capacity of the licencing authority to be able to make such an assessment—and where no other method of vegetation control is available. This implies that muirburn is the action of last resort, which is welcome. However, we suspect that this will essentially come down to a choice between cutting and burning and we would ask the Committee to consider whether re-wetting could be included as an option to be considered. We accept that this will not deal with the issue of established high fuel load but would like to explore if more general positive peatland restoration options can be considered.

With regard to the wording of Section 11 (1) 9b) (ii) (no other method of vegetation control is available), we suggest if the existing licencing test relating to the Birds and Habitats Directives of their being 'No satisfactory alternative' is more appropriate. There is already existing guidance in place for this.

#### Section 12: Muirburn licences: content and conditions

We are concerned that section 12(2)(a) and (b) of the Bill only states that the "the person to whom the (muirburn) licence is issued must have regard to the Muirburn Code". We are concerned that this is too weak and would encourage the Committee to explore whether this requirement will deliver sufficient guarantee of compliance. If the objective is to raise the standard of muirburn, 'complying' with the Muirburn Code (in so far as is practicable in the specific situation) would be a stronger requirement. We would be interested to know what case law exists that defines what 'have regard to' means in practice. If the requirement to 'have regard to' the Code remains, it means that the legislation itself is weak in terms of ensuring best practice and great reliance is put on NatureScot and their operation of the licencing regime.

#### Section 13: Modification, suspension and revocation

Under the draft provisions, Ministers have powers to modify a licence at any time and suspend or revoke a licence if an offence has been committed. But since applicants are only required to "have regard to" the Code, it appears that a licence cannot be suspended or revoked if a land manager clearly ignores the Code (because they will not have committed an offence). It could be that because NatureScot will have wide powers to define licence conditions, this will be covered by the licences themselves, but there is no guarantee that this will be the case given that it is not on the face of the Bill. We would ask the Committee to ensure that it is possible to revoke licences in those cases where a land manager does not have regard to the Code. We suggest that "compliance with the code" would be an easier metric to assess.

#### Section 14: Muirburn Code

RSPB Scotland welcomes the provisions relating to the Muirburn Code. We believe that NatureScot should have formal ownership of the Code and its development. While it will want to consult on the Code, it should not contract out the production of the code to external groupings such as the Moorland Forum. We also welcome the regular review.

#### Section 16: Muirburn season

We note that any muirburn licence granted for game management or for improvement of grazing will be limited to the muirburn season, defined by section 16(1) of the Bill as 1 October through to 15 April. We are concerned, however, that this late finish to the burning season overlaps the breeding season of a number of bird species that routinely nest on moorland. SNH in their 2014 document, 'Bird Breeding Season dates in Scotland', list Hen Harrier, Golden Eagle, Merlin, Peregrine, Red Grouse, Golden Plover, Lapwing, Dunlin, Snipe, Curlew, Redshank, Short-eared Owl, Meadow Pipit, Stonechat, Wheatear, Ring Ouzel and Raven whose "approximate earliest start date for territory/nest site establishment and egg laying" overlaps, often by several weeks, with the muirburn season as defined in the Bill. We further suggest, that with climate change proven to be driving earlier bird breeding seasons (eg. <https://doi.org/10.1111/1365-2656.13683>) this concern is only going to increase.

Given the SNH report contains 5 red-listed, and 4 orange-listed species of conservation concern, and that burning up to mid-April is likely to result in the destruction or disturbance of nests of some of these birds, this is an unnecessary consequence of a land management activity that not only may be adversely impacting the conservation status of these species but could also constitute a wildlife crime offence. As an example, we are aware of a very recent case, currently under Police investigation, where a pair of golden eagles deserted their nest, likely due to muirburn being undertaken on a grouse moor in the vicinity. With these issues in mind, RSPB Scotland recommends that the Bill is amended to redefine the end of the muirburn season as 15th March.

#### Section 18 – Interpretation – definition of peatland

While we welcome the Scottish Government's commitment to stop burning taking place on peatland, RSPB Scotland does not agree with the definition of peatland as "land where the soil has a layer of peat with a thickness of more than 40 centimetres".

This sort of depth definition can serve a purpose in particular circumstances, but they can also create artificial thresholds that do not reflect reality on the ground. There is a concern,

for example, that peatland where the peat is shallower than 40cm would legally be defined as 'not peatland' and so treated differently. This is especially problematic because the shallower peat and peaty soils are arguably the most vulnerable to damage from burning and subsequent erosion, yet the legislation will not protect them. There are large amounts of carbon locked up in peaty soils <30cm and a depth definition that only prohibits burning on peat over a certain depth will not protect these shallower carbon deposits, despite the fact that they are most vulnerable because of their shallow depth.

Consequently, the most straightforward and enforceable policy might be to simply say that burning should not take place on peaty soils of any depth (except where permitted under licence). This would remove the need for people to measure depth to determine adherence with the rules. This would also be more consistent with the original Scottish Government response to The Grouse Moor Review Group Report of 26 November 2020 which stated: "there will be a statutory ban on burning on peatlands except under licence for strictly limited purposes".

If it is determined that a depth definition is required, we believe that it should be 30cm instead of 40cm. While acknowledging the explanation in the Policy Memorandum, we believe that 40cm has little scientific foundation and appears to be a case of the government simply 'splitting the difference' between the current depth of 50cm and aspiration of peatland interests that, if there needs to be a depth criterion, it should be lowered to 30cm.

If the Scottish Government is seeking a more robust depth definition, 30cm is more widely accepted internationally. For example, Lindsay & Andersen (2018) Peat. In Finlayson et al. 2018. The Wetland Book (ii) Distribution, Description and Conservation ([https://www.researchgate.net/publication/325152873\\_The\\_Wetland\\_Book\\_II\\_Distribution\\_Description\\_and\\_Conservation](https://www.researchgate.net/publication/325152873_The_Wetland_Book_II_Distribution_Description_and_Conservation)). define peat as a soil with at least 30% organic plant matter which has accumulated in situ and has a thickness of 30cm or more. It is also worth noting that the UK Peatland Strategy adopts a 30cm definition, as does the Peatland Code.

It is also noticeable that Scottish Forestry have recognised the importance of limiting damaging practices on peat and are now not accepting any Forestry Grant Scheme applications which include ploughing on soils where peat depth exceeds 10cm.

General muirburn point: reliance on NatureScot

The aim of the legislation is to better regulate muirburn and raise the standard of, and lower the risks associated with, muirburn across the country. But the legislation will not achieve this directly; it relies on NatureScot's ability to operate a robust licencing regime. It will require NatureScot to have good data about peat depths, fuel loads and fire risk at an appropriate resolution/scale in order to make decisions. It will also require sufficient staffing to be able to make knowledgeable decisions on a case-by-case basis, which may require rapid turn around and site visits.

We would encourage the Committee to explore the degree to which NatureScot is able to do this. If NatureScot is not sufficiently resourced, the licencing regime will be less than robust and the intention of the legislation will be undermined. We believe it is important that the regime is properly supported so that land managers are not hindered by poor operation, but this raises the issue of where the funding will come from. Will other NatureScot functions suffer as a result? We believe they should not.

# SCOTLAND: The Big Picture

SCOTLAND: The Big Picture works to drive the recovery of nature across Scotland through rewilding, in response to the growing climate and biodiversity crises.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The existence of drained and heavily managed moorland to shoot red grouse, often requiring the removal of other predatory and scavenging species, dates back to the Victorian era when societal values were very different. If the practice had never existed and it was presented today as a socially-just, sustainable land use in Scotland, against the backdrop of the climate and nature crises, it would never be permitted.

Ideologically, there may be a case for protecting 'cultural tradition' but in this case, the c.15% of Scotland's land area devoted to intensive management for grouse shooting, could be deployed to serve the needs of many more species and many more people, through increased carbon capture, flood mitigation and job opportunities.

An alternative to the existing model could be 'walked-up' grouse shooting as exists in much more diverse habitats in Scandinavia.



**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

# Scotland's Regional Moorland Groups

Scotland's Regional Moorland Groups are a collection of sporting estates from across six regions of Scotland. From a range of rural working communities from the shores of Loch Ness in the Highlands, through the grey mountain ranges of the Monadhliaths, down through picturesque Royal Deeside, over the rolling hills of the Angus Glens, to the traditional sights of Tayside & Central Scotland down to the lower regions of the Southern Uplands!

These groups represent the true grass roots. The boots on the ground whose job it is to look after and conserve the moorland habitat that you see around our iconic uplands. Here, they manage a variety of species, from deer to rabbits and foxes to crows, helping to preserve the environment and the industry that keeps them, our rural workers, employed, their families housed and brings in much needed income to local shops and businesses across their surrounding areas.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

This is not relevant to our members. It does not relate to Grouse Moor Management.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Scotland's Regional Moorland Groups members feel that operators of wildlife traps adhere to high professional standards, with many practitioners undertaking training voluntarily.

They don't think that additional regulation on the use of wildlife traps is necessary. It would be better to use training to maximise adherence to best practice and reduce the probability of non-target catch.

They strongly believe it should be an offence to tamper with, interfere or sabotage a wildlife trap. The penalties for this should reflect the spring traps penalties in section 5 of the Bill.

SRMG Members are really disappointed that interference, tampering and sabotage of traps has not been made a standalone offence in the introduced Bill.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Modification, Suspension and Revocation:

Scotland's Regional Moorland Group members think it would be disproportionate, unreasonable and unfair to impose penalties under a trap licensing scheme for alleged offences that have no connection to the use of wildlife traps.

They feel it would be disproportionate, unreasonable and unfair to suspend a licence because of the initiation of a police investigation. NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed beyond reasonable doubt.

Police investigations can easily be triggered by a malicious allegation from someone with an anti-shooting agenda, which would put their employment at risk. The inability to use wildlife traps would be career-ending, and there is a complete lack of safeguards to stop this from happening vexatiously.

Application:

Scotland's Regional Moorland Groups think it would be disproportionate, unreasonable and unfair to give NatureScot the power to decide whether it is 'appropriate' to grant a licence.

Licences should be granted unless NatureScot has evidence to suggest an offence in relation to the use of wildlife traps had taken place beyond reasonable doubt. The vagueness of the appropriateness test does not give them confidence that NatureScot would grant them a licence on which their employment depends.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Our members think there are already robust measures in place to deter and punish the persecution of raptors in Scotland. These include recently strengthened criminal penalties, the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

Wildlife crime reports indicate that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. This calls into question the need for licensing.

They feel it would be completely disproportionate, unreasonable and discriminatory to suspend or revoke a licence to shoot grouse on the basis of any crime other than raptor persecution.

Many of the members feel concerned for the future of their jobs if they had their licence to trap refused, suspended or even revoked. They would not be able to carry out their jobs efficiently and that would result in precious wildlife suffering. Predation pressures would rise and wildlife would diminish. Members across the country report trap vandalism, interference and tampering on a weekly basis and get no support from Police Scotland. From stones and sticks setting them off, to live capture birds being cut out and set free, trampled, smashed stolen to even human faeces been left in them. It's degrading, demeaning and not to mention costly - in time to replace and cost to repair or replace. Why should innocent law abiding citizens who are carrying out their highly skilled work, legally and above board, be at such risk by the actions of someone else who are either simply uneducated or worst case have an anti shooting agenda. This wouldn't happen in any other industry or walk of life.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

Modification, Suspension and Revocation:

The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing. Our members think this is grossly unfair, disproportionate and creates total uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence beyond reasonable doubt of raptor crime.

They feel strongly it would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or a code of practice).

They feel that the only trigger for suspension or revocation should be robust evidence that the relevant person has committed raptor crime. The definition of relevant offences is broad and discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.

The consequences of licence suspension or revocation are huge. Our members would lose their jobs, their homes and associated businesses would either shut down or suffer.

They are strongly concerned about the proposed one-year licensing system, which means there would be no material difference between licence suspension and revocation.

They feel it would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation, which can easily be triggered by malicious or vexatious allegations.

Overall, our members think this licensing scheme is hugely discriminatory. It will result in people with the right to shoot grouse - and by extension employees like many of our members - being penalised to a much greater extent than any other class of people for

activities that have no correlation or connection to grouse moor management. It feels like the Scottish Government are persecuting our members, their families and their livelihoods.

Application:

It would be completely disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. 'Appropriateness' is a very broad test that could result in licenses being refused for any number of reasons. It could also result in licences being refused for reasons that could not justify licence suspension or revocation.

Licences should last in perpetuity. It would be disproportionate, unreasonable and unworkable to renew licences annually. Grouse moor management is a long-term investment and the licence duration should reflect this reality.

Annual renewals, combined with the appropriateness test, would provide no certainty to my employer and severely restrict an estate's ability to plan for the future. This will make grouse shooting and moorland management unviable, with huge consequences for people like me. Our members would lose their jobs and their homes, and the wildlife many of them care for and work hard to protect would suffer as a result.

NatureScot's licensing team is already overburdened. They do not have trust or confidence that they could take on another licensing function, let alone a scheme that would see them deciding whether or not it is 'appropriate' to grant licences every single year.

Country sports are the backbone of Scotland's rural economy, with shooting estimated to be worth £200 million every year, while wild fisheries contribute an additional £79.9 million. Activities such as driven grouse shooting and deer stalking generate more regional spending than other comparable land uses, often with the highest levels of employment by area. These contributions are of the utmost importance in fragile, rural communities where employment and business opportunities can be more limited. The provisions of the Wildlife Management and Muirburn (Scotland) Bill are so disproportionate, unreasonable and discriminatory that landowners are likely to discontinue their investment in the Scottish uplands altogether. The consequences would be catastrophic for biodiversity, carbon storage and wildfire mitigation, not to mention the rural economies of places like Edzell, Strathdon, Fettercairn, Amulree, Tomatin, Gifford, Tomintoul, Lauder, Newtonmore, Braemar, Dinnet and many more.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Scotland's Regional Moorland Groups feel very strongly that giving charities statutory powers to investigate any crime sets a dangerous precedent. There is no accountability and oversight of their work.

The Scottish SPCA staff aren't vetted or trained to the same standard as the police officers, which would compromise wildlife crime investigations.

They are fully aware that Scottish SPCA staff publicly express partial views (often concerning legal land management tools and countryside activities) which could lead to investigations being tainted by bias.

The partial views held by the Scottish SPCA in relation to legal land management tools and countryside activities has eroded my trust and confidence in their ability to investigate impartially.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science shows that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged.

Our members have also seen first-hand the benefits of muirburn for species like curlew, golden plover and merlin. Additional regulation has the capacity to detract from these important benefits.

As muirburn practitioners, they know that muirburn is conducted with absolute professionalism and in accordance with best practice guidance by the vast majority of grouse moor managers. Training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

There is no scientific evidence to support the introduction of greater controls on burning where there is peat deeper than 40cm. In addition, there is no evidence to suggest that muirburn is harmful on peat deeper than 40cm.

The Peatland ES-UK study demonstrates how beneficial muirburn can be for peatland ecosystems, regardless of peat depth.

The licensing system puts the onus on people like, our members (who are highly trained and skilled partitioners), to determine where the land is peatland or not peatland. There are no peatland maps denoting where the peat is 40cm or deeper, meaning the only available

option is to use a peat probe. Even then, the variability of peat depth across small areas means that every square inch of the land would need to be probed – which is not practical and would actually damage peat. The licensing scheme provides no certainty and is unworkable.

They think it would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.

It would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control are not as effective as muirburn, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in summer months, producing ideal tinder for smouldering and wildfire ignition. This could actually increase wildfire risk.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation – NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

# Scottish Animal Welfare Commission

<https://www.gov.scot/groups/scottish-animal-welfare-commission/>

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

As explained in the Policy Memorandum (paragraphs 19 – 25), the Bill follows the recommendations made by SAWC in our report on the use of rodent glue traps in Scotland, published in 2021 (<https://www.gov.scot/publications/scottish-animal-welfare-commission-report-use-rodent-glue-traps-scotland/>). The report drew on a wide range of views, including pest control industry, enforcement and government advisory bodies and animal welfare stakeholders, many of whom included academic research in their submissions.

With regard to animal welfare, SAWC noted “unanimous recognition that glue traps cause animal suffering, with the majority of respondents indicating the likelihood that their use causes significant and potentially prolonged animal suffering to the target species. Importantly, concerns are not isolated to a particular aspect of the use of glue traps and even with optimal use (frequent checking and effective dispatch) there remains a significant animal welfare concern. It is the view of the Commission that there is no way that glue traps can be used without causing animal suffering.”

The SAWC report made clear that an immediate outright ban on the use of glue traps was the only way to eradicate the suffering caused to target and non-target animals, and this was our preferred recommendation. However, we did not underestimate the importance of the health risks that rodents pose in certain environments, including domestic, medical and food premises. Nor did we underestimate the animal welfare impacts of other widely used rodent control methods, such as rodenticides. We therefore considered whether an interim licensing scheme for professional pest controllers, for a maximum of three years, might be appropriate to allow further research into the development and use of alternative methods of rodent control.

That said, we agree with the Scottish Government’s view (Policy Memorandum paragraph 23) that the risks of suffering in both target and non-target species remain, regardless of who sets the trap, and that there are difficulties in defining a professional pest controller, as the industry is largely unregulated.

Given that two years have now elapsed since publication of the SAWC report, we therefore think the Scottish Government has made the right decision in deciding not to implement formal interim measures, although it does intend to commence the ban on the use of glue traps after a transition period. The transition period is proposed “in recognition that individuals and professional pest controllers who currently use glue traps will need time to adapt to and develop alternative methods of rodent control” (Policy Memorandum paragraph 34). SAWC would respectfully suggest that the ban on glue trap use by individuals be brought in as soon as possible, in line with the recommendation in our report, as this would have a significant impact on unmonitored domestic use.



Either way, we recommend that any transition period be as short as possible. In our previous response to the Scottish Government consultation, we recommended that it should be no more than one year. There will already be widespread awareness in the pest control industry of the moves towards banning glue traps (or greatly limiting their use by way of licensing) in England and Wales. We expect that pest controllers will be considering alternative methods and therefore should be ready to adopt these following the ban.

We also support the proposal to ban the sale of glue traps in Scotland and we hope that the Scottish Government will be in a position to bring forward an amendment to that effect at Stage 2 or Stage 3, as proposed (Policy Memorandum paragraph 42).

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

The traps whose use will be subject to additional regulation are live bird traps, such as crow cage traps and Larsen traps, and lethal spring traps as governed by the Agriculture (Scotland) Act 1948 and the Spring Traps (Approval) (Scotland) Order 2011 ("the STAO") <https://www.legislation.gov.uk/ssi/2011/393/schedule/made#f01000>

Live capture traps for mammals (other than the WCS Collarum) are not included in the Bill. We note the Scottish Government position "that it is neither practicable nor reasonable to require those undertaking any live capture of mammals to require registration and training, as the activity does not pose a risk to raptors, and in the majority, such activities have no link to grouse moor management" (Policy Memorandum paragraph 82). We would, however, draw attention to the fact that all live capture traps have the potential to cause extended suffering in a trapped animal, for example due to hunger, thirst, exposure to the elements, and fear of predation. We therefore welcome the provision at s.12A(8) allowing the Scottish Ministers to amend the current list of traps requiring licences, and recommend that the use of live mammal traps be kept under review as the licensing system beds in.

The only live trap approved under the STAO is the WCS Collarum cable trap for foxes. Its inclusion appears anomalous in an order regulating lethal traps. The STAO places conditions of use similar to those applicable to snares but does not require training for use or identification tagging, or make any provision regarding despatch of the animal. Licensing provides an opportunity to remedy these defects.

Live bird traps: The use of live bird traps is currently subject to general licences issued under the Wildlife and Countryside Act 1981. The general licences include welfare provisions covering the manner and position of setting, the inspection regime, and the provision of food and shelter for decoy birds. However, as noted in the Scottish Government consultation on the proposed Bill: "The lawful use of traps to catch corvids (members of the crow family) can result in the capture of, and on occasion, injury to, raptors and other traps can also cause unintended harm to wildlife. It is for this reason that we are proposing to introduce new legislation to mitigate the risk of this occurring."

Evidence from animal welfare advocacy groups over the years has suggested some poor practice such as the provision of only rudimentary shelter for decoy birds, operation of traps

in severe weather where regular inspection becomes impractical, and inexperienced killing techniques leading to unnecessary stress and suffering. All of these could be improved by the introduction of a training regime and improved accountability by way of record keeping and reporting. Consideration should also be given to the welfare of trapped birds that may legally be confined up to 24 hours without the benefit of the limited provisions made for decoy birds.

**Lethal traps:** The use of spring traps is unregulated as long as the trap is of a type permitted for the target species under the STAO and set in compliance with relevant conditions. The assumption is that a properly set trap will kill the target animal as soon as it enters the trap.

Conditions on the STAO include the species for which the trap may legally be used. They also prescribe, in almost all cases, that the trap must be set within a natural or artificial tunnel or within housing provided by the manufacturer “suitable for minimising the chances of capturing, killing or injuring non-target species whilst not compromising the killing or taking of target species”. SAWC notes that Science and Advice for Scottish Agriculture advises in its Guide to Approved Spring Traps in Scotland and the rest of the UK: “Some traps may incorporate a built-in tunnel or enclosure, but it is important to note that this may not always be sufficient to meet the conditions of the STAO in all circumstances and trap users should exercise judgement in ensuring that the trap is deployed in a manner that excludes likely non-target species where it is possible to do so.”

<https://www.sasa.gov.uk/sites/default/files/SASA%20Guide%20to%20Approved%20Spring%20Traps%20-%20BSS072020.pdf>

Approved spring traps do not require inspection after setting. Any animal trapped, but not killed outright, may suffer for an extended period before dying. Anecdotal reports record examples of animals caught in traps, such as the widely used Fenn trap, but not killed outright; animals being able to move the trap from its original location; animals caught by the wrong part of the body, such as the foot or face; and non-target animals such as hedgehogs being caught in traps set for other mammals such as weasels or (previously) stoats. <https://revive.scot/publication/untold-suffering-how-thousands-of-animals-are-trapped-snared-and-killed/>

Some of these mis-strikes may be due to the manner of setting by the operator and, if so, this could be avoided by improved training and keeping up to date with best practice. There may also be advantage in encouraging operators to invest in more modern traps.

A number of older trap models were withdrawn from approval by the Spring Traps Approval (Scotland) Amendment Order 2018 <https://www.legislation.gov.uk/ssi/2018/389/article/4/made> although the official version of the STAO currently available online does not show these changes. This could lead a user to make an error, for example by using an old trap, of which there are said to be many still in existence. The SASA guide notes that, despite the existence of the STAO, non-approved traps are occasionally found in use, “either by trappers who do not know the law or by those who deliberately ignore it.”

Animal welfare issues arise because it is unclear whether different designs of spring traps are capable of causing instantaneous and irreversible loss of consciousness, even when used in accordance with the manufacturer’s instructions. The Agreement on International Humane Trapping Standards (AIHTS) requires ≥80% of target animals in twelve fur-bearing species to reach irreversible unconsciousness in a certain time (45 seconds for stoats, 120

seconds for martens and 300 seconds for all other UK species). SAWC would prefer to see these times reduced to as close to zero as possible. There appears to be little recent peer-reviewed literature describing the direct welfare impacts of spring traps, making a precautionary approach desirable.

The Humane Trapping Standards Regulations 2019 which implement the requirements of the AIHTS for relevant species found in the UK only cover stoats. Other target species including weasel, grey squirrel, mink, rabbit, rats and mice may legally be captured in approved spring traps and are vulnerable to poor welfare, whether due to the design, setting or functionality of the trap.

Spring traps are readily available to purchase by members of the public and may be set by anyone, with landowner/occupier permission. Currently, as far as SAWC is aware, there is no wider oversight or monitoring of the use of spring traps, no requirement to demonstrate the need to kill the target species, no requirement to record the number of animals killed, whether target or non-target species, or any animal welfare issues arising during their despatch, no requirement formally to record or report the placing of traps, and no reliable means of associating a particular trap with its operator. This last issue makes it difficult to enforce legislation and improve operator practice.

SAWC therefore believes that additional regulation by licensing will help to address many of these longstanding concerns and will improve accountability where best practice is not observed.

Rodent kill traps and mole traps: These are currently exempted under the Small Ground Vermin Traps Order 1985 from the spring trap provisions of s.50(3) of the Agriculture (Scotland) Act 1948 and thus, as things stand, from the new licensing requirements. That does not mean that these traps are exempt from welfare concerns. For example, it is known that rat, mouse and mole spring traps vary in their impact momentum and clamping force and that there may potentially be a welfare threat associated with their exemption from approval. See Baker SE, Ellwood SA, Tagarielli VL, Macdonald DW (2012) Mechanical Performance of Rat, Mouse and Mole Spring Traps, and Possible Implications for Welfare Performance. PLoS ONE 7(6): e39334. doi:10.1371/journal.pone.0039334

Despite this, SAWC has not at this stage recommended applying the proposed measures to rodent kill traps. This is because other methods such as rodenticides can produce highly adverse welfare impacts and there could be a risk that operators would increase their use of these rather than seeking a licence and undertaking training in kill traps. A recent detailed assessment of rat management methods

<https://www.ingentaconnect.com/contentone/ufaw/aw/2022/00000031/00000001/art00005> concluded that high quality snap traps could have the lowest adverse welfare impact on rats, if used appropriately. The focus with regard to rodent kill traps should therefore be primarily on increasing the availability and uptake of high quality snap traps, possibly allied with a voluntary trap approval scheme or a general licence (see response to Q3).

Snares: SAWC notes that the Scottish Government intends to introduce measures on the use of snares in Scotland at Stage 2 (Policy Memorandum, paragraph 215), following its recent review of the impacts of snaring on land management and animal welfare. SAWC has submitted an opinion to the review recommending that snares be banned in Scotland, on animal welfare grounds, and looks forward to further discussion of these matters at Stage 2.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

We welcome the requirement for training in order to qualify for a licence and we recommend that this contains a discrete animal welfare component, delivered by an independent expert. Training could usefully cover animal sentience and animal behaviour, allowing participants to gain an accurate insight into the impact of live traps and spring traps on animals' experiences prior to death.

We recommend that the conditions specified by the licensing authority which, according to s.12C(3)(iv), should include inspecting traps at intervals of no more than 24 hours (this is already a requirement for live bird traps under the general licences), keeping a record of the locations of traps and the animals captured in them, and an obligation to produce records for inspection by a constable when required. Such measures would be consistent with the provisions that currently apply to snares in Scotland, under s.11E of the Wildlife and Countryside Act 1986.

We agree that Scottish Natural Heritage/NatureScot is the appropriate authority to carry out the licensing function (s.12C(4)(b)).

With regard to offences, which may incur modification, suspension and revocation of a wildlife trap licence (s.12D), we recommend that the Protection of Badgers Act 1992, Animal Health and Welfare (Scotland) Act 2006, Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 and Hunting with Dogs (Scotland) Act 2023 be added to the list of relevant offences at s.12D(5). This would ensure that animal welfare is given due priority and would be consistent with other licences issued by NatureScot, such as the general licences for killing or taking certain wild birds and for using traps to kill stoats.

Given that section 12A(2) is modifiable by regulations, consideration could be given, either now or in the near future, to provisions covering spring traps for rats and mice and moles. In welfare terms, the current exclusion of these traps from the STAO, and thus from official performance testing, is anomalous. As discussed at Question 2, a voluntary trap approval scheme or a general licence approach might be appropriate at this stage or in the near future, to promote the safe use of rodent trap models that have been tested and approved as reliably able to deliver a humane death.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

SAWC sees the proposed licensing provisions as proportionate and consistent with other recently introduced measures to protect wildlife, such as the licensing scheme for the use of more than two dogs to flush a wild mammal under the Hunting with Dogs (Scotland) Act 2023. Licensing will provide for accountability on behalf of persons responsible for the management of land where activities take place that can affect the welfare of sentient wild animals.

The modification or suspension of a licence, where necessary, will have implications for wild animal welfare, and we view the provisions at s.16AA(8) as proportionate. We would support suspension as an important interim measure where there is an official investigation of a suspected relevant offence. This would reflect the fact that licences confer a privilege to act in ways that are otherwise contrary to legislation enacted to help safeguard wild animal welfare.

The list of offences at s.16A(11) does not include offences involving glue traps or spring traps and the Committee may be interested in clarifying the reasoning behind this choice of offences. As commented in our response to Question 3, other legislation may be equally relevant when considering suspension, modification or revocation of a licence.

We support the provision of a Code of Practice to give guidance about the management of licensed land. We recommend that all three aspects of the guidance and in particular the aspect referenced at 16AC(2)(c) – “how predators should be controlled” – should contain guidance on optimising and prioritising wild animal welfare. SAWC will be pleased to offer views at the appropriate stage.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Section 8 does not refer specifically to the Scottish SPCA, but could enable giving that organisation additional powers to investigate wildlife crimes. It proposes to extend the powers of persons appointed under s.49(2)(a) of the Animal Health and Welfare (Scotland) Act 2006 to cover measures under Part 1 of the current Bill and Part 1 of the Wildlife and Countryside Act 1981, which covers wildlife. This recognises that wildlife crime causes severely adverse impacts on the welfare of wild animals and that the introduction of a cadre of officers experienced in wildlife welfare, evidence-gathering and joint working with other agencies would be beneficial.

SAWC believes that it would be appropriate to extend these powers to Scottish SPCA Inspectors in view of the charity's long record of successful investigation of animal welfare offences in areas such as the sale and keeping of companion animals, captive wild animal welfare and many aspects of farm animal welfare. As a reporting agency to the Crown Office and Procurator Fiscal Service (COPFS), the Scottish SPCA has demonstrated that it

meets high standards of evidence provision, objectivity and legislative understanding, and these are reflected in a high success rate in relevant prosecutions conducted by COPFS.

N.B. The response to this question has been formulated without seeking comment from Chief Superintendent Mike Flynn of the Scottish SPCA, who is a member of SAWC.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

We are aware of a small number of studies identifying intensive moorland management, including muirburn, as a possible contributory factor in the long-term decline of breeding merlins on grouse moors and hen harriers, noting the burning out of nest sites. The RSPB also cites examples of golden eagle, peregrine, osprey and white-tailed eagle nests negatively affected by the practice.

A literature review for Natural England found mixed effects on different moorland birds, but again these were based on relatively few studies.

A NatureScot review of the impacts of muirburn concluded that the picture for most moorland species was mixed: “the evidence from the primary literature indicates that moorland management (which includes managed burning) affects the abundance and diversity of bird species. Some species benefit from moorland management while others do not” and “there is a lack of evidence on the impact of muirburn on small mammals, reptiles, or amphibians. This has been identified as a research gap.” Anecdotal evidence also refers to disturbance of deer due to muirburn.

Animal welfare and species survival are interlinked. SAWC therefore supports the measures provided in the Bill and recommends that animal welfare should not be overlooked when evaluating their costs and benefits.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Don't know

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

SAWC is not able to comment in detail on the proposals in ss. 9 – 19 as this is outwith our remit. We would, however, recommend that the welfare of animals in muirburn areas receive appropriate consideration and monitoring.

## **Scottish Badgers (SCIO) SC034297**

Scotland's charity dedicated to the protection of badgers from persecution, to the education of people concerning the roles badger play in ecosystems and to providing expertise and information for the benefit of all people and wildlife.

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

### **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Glue traps are made to catch sentient animals yet cause prolonged stress, un-mitigated suffering and an uncontrolled death so should be banned as soon as possible.

When badgers, and foxes, attempt to escape from snares which are similar 'detaining' traps some go as far as gnawing their own feet off in their desperation.

There are no measures that could render glue traps humane under routine use. The available evidence indicates that the use of glue traps is incompatible with animal welfare.

As explained by the Humane Society International in evidence to the Petitions Committee of the Scottish Parliament in 2018:

"The sale of glue traps to the public puts the purchaser at risk of breaking the law without even realising it. Unless the person who laid the trap checks it frequently and kills a caught animal immediately and humanely (with one sharp blow), he or she may have caused 'unnecessary suffering' a prosecutable offence under the Animal Health and Welfare (Scotland) Act (2006). Our polling shows that the majority of people are either not informed, willing, able, or motivated enough to avoid causing 'unnecessary suffering' when using glue traps, and indeed in a significant percentage of the public responded that they would opt for a killing method likely to be prosecutable under the Animal Health and Welfare Act, such as drowning. An additional cause for concern is the accidental capture of non-target animals, including birds and cats, who may be injured and even perish after becoming stuck to a carelessly-placed trap."

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

KILLING wild animals is not an acceptable first resort or routine approach to any situation including situations where there may be harm to persons or to natural ecosystems. The International Consensus Principles for Ethical Wildlife Control or a system based on this is an appropriate and successfully applied in other countries.

## SPRING KILL TRAPS

Given the low threshold for 'welfare' with the use of some of these traps (up to 45 secs for routinely caught species is a long time to suffer extreme crushing injuries; and for other species if 85% of animals survive up to 100 secs before loss of consciousness the trap is considered acceptable) anyone using a spring kill trap is taking an action associated with unnecessary suffering and potentially is breaking the law.

Spring kill traps are used widely without training or regulation being necessary. Consequently, the risk that substantial numbers of wild animals suffer protracted pain and stress in spring traps is significant. In addition there will be occasions when spring traps fail to operate properly, or are carelessly set, or when an animal gets a paw, foot, beak or nose crushed.

Although the proposed increased regulation is better than none and should be fully supported as a minimum step, the available evidence indicates that stronger regulation does not influence the welfare outcome for a captured animal, and for comparison the stronger regulation of snares over the last decades has not improve the welfare outcomes of animals caught in legally compliant snares.

Loopholes would potentially be easy to exploit within a regulatory framework given there exists a plethora of makes of spring kill traps and 'clone' traps,

In addition, the commitment within industry-associated organisations is weak on welfare outcomes as shown in the following: "Morally, a commitment to raise humaneness standards in wildlife management is unarguable, provided it doesn't render management ineffectual or prohibitively expensive." GWCT <https://www.gwct.org.uk/advisory/faqs/aihts/#current>

SNARES are already highly regulated and snare-users have had decades to demonstrate a willingness to do the right thing by avoiding positioning snares where badgers are present, but they stubbornly resist. Badgers are strong animals and fight to escape, resulting in severe injuries where the wire noose cuts through skin and muscle tissue and into the body cavity leaving the animal to die a lingering death from infection. In one incident we know of a snared badger dragged the anchor out of sandy ground and took 5 days to die.

Scottish Badgers every year receives up to ten reports of snaring incidents some involving multiples animals in one season and repeated over a sequence of years (and more are reported to other animal welfare organisations).

Recently a cub was found barely alive where it had been suspended from a snare attached to a field gate for days. <https://www.dailyrecord.co.uk/news/scottish-news/badger-cub-left-hanging-neck-28746373>

In multiple incidents in recent years, multiple fresh doughnuts within badger territories and close to setts have been reported and evidence found of more doughnuts of varied ages on the same sites, demonstrating the deliberate and conscious nature of the attack on badgers.

There are no forms of regulation that could prevent badgers being caught by snares, suffering prolonged agonies pain and lingering deaths other by banning their use and manufacture outright.



Snares and poisons were used by a Duns gamekeeper to clock up a high tally of deaths. On the estate he worked on in one year alone, as well as badgers and an otter he recorded a list of 42 foxes, 32 cats, 75 rats, 103 stoats, 37 weasels, 90 hedgehogs, five mink, 622 rooks and 81 jackdaws. He had carried out the same in previous gamekeeper positions in Scotland. (<https://www.scottishspca.org/news/gamekeeper-sentenced-for-killing-dozens-of-wildlife-on-longformacus-estate>)

The Wildlife & Countryside Act 1981 as amended by WANE(S) 2011 states snares should not be "so placed as to be likely to cause bodily injury to a Schedule 6 protected animal" yet the practice of placing snares close to a badger path or a foraging area is stubbornly persistent. When attached, the noose would hang over a badger path or foraging area, which causes risk of harm to badgers. However, some claim that no offence is committed until the noose is attached, allowing the user to persist with setting dangerously places snares remove any evidence easily.

Legal and illegal snares continue to have a significant negative welfare impact on badgers, and some persist in using snares in known badger territories close to their paths knowing they will avoid prosecution easily. The sole remaining option, all others having been exhausted, is to ban snares outright.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree reasons**

Scottish Badgers supports a licensing system BUT point out that it may reduce the high numbers of animals trapped but cannot influence the welfare outcome for animals that are trapped.

**POOR WELFARE**

Lethal traps designed to kill wild mammals are mostly spring-loaded and may feasibly cause mutilation, impaling and crushing. They are used routinely and widely including by gamekeepers to kill stoats because of a perceived threat to game birds, They are used without limit and without consideration for dependent young (Wild Animal Welfare Committee Position Paper 1 "Lethal Trapping of Terrestrial Mammals"). It's illegal to use Fenn traps for stoats but legal for weasels, rats, and grey squirrels even though they've not undergone humaneness testing for those animals, and their use continues with various untested 'deterrent' devices (<https://www.gwct.org.uk/advisory/faqs/aihts/>).

**POOR ACCOUNTABILITY**

There is no legal requirement for formal training, identification, recording or reporting. Unknown numbers of wild animals suffer protracted excruciating pain and a lingering death when traps are poorly designed, deployed or maintained. There is evidence also of substantial numbers of non-target species being caught in lethal traps as 'bycatch' (Dubois et al (2017) International consensus principles for ethical wildlife control. Conservation Biology, 31(4), 753-760).

## POOR JUSTIFICATION OF THE NEED FOR LETHAL TRAPPING

Killing wild animals for the purpose of altering the natural ecosystems of a moorland so birds can be killed for 'sport' is not a valid purpose for land use (MacDonald, B (2019) Rebirding. Restoring Britain's wildlife). The destructive process is repeated year after year so is clearly not an effective approach to land management long term.

Recommendation – a rational ethical framework such as the International Consensus Principles for Ethical Wildlife Control or a scheme based on these, should be integrated within the bill to offer a coherent approach (Dubois et al (2017) International consensus principles for ethical wildlife control. Conservation Biology, 31(4), 753-760).

Recommendation – lethal trapping should only be deployed within the International Consensus Principles for Ethical Wildlife Control and by a user trained in the welfare impacts of the trapping process (if lethal control cannot be avoided and is a last resort). Training should be by an organisation not associated with the industry. Recording, reporting and monitoring procedures for all traps and animals caught should be required. A ten-year training interval is too long given the serious harms that result from using kill-traps.

Recommendation - The bill should grant that: (a) any application to repeat the same killing as a previous year is non-licensable (b) non-lethal methods should be required before any decision to licence lethal trapping is considered (c) full costs should be borne by trappers not the public purse (d) records and monitoring should be required, to include the animals killed, place and date, the numbers of red grouse shot and (e) subsidies drawn for keeping sheep and other land management activities on the same land.

### **Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

### **Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Due to the remoteness of badger offences on estates used for bird shooting, and the wall of fear that keeps locals silent, the investigating authorities are aware that badger killing is likely to be widespread across Scotland – and are using sophisticated techniques to further expose offenders. But we need to prevent it happening in the first place and this is where it will be vital that the Bill should give the power to the licensing body to introduce an updated approach to wildlife management that starts with approaches that cause the least harm to wild animals or the natural environment such as the International Consensus Principles.

**WILDLIFE CRIME** Land used to shoot grouse has an association with wildlife crime. Raptor killing, badger baiting and otter persecution are well documented and cause outpourings of moral repugnance. But in addition, the legal activities of trapping and burning have draconian impacts by altering the natural ecosystems to an extreme. The large-scale slaughter of foxes, stoats, weasels, hares, rabbits and corvids amongst others is carried out using methods where an unknown but likely substantial proportion of the animals killed experience prolonged crush-related symptoms in a spring kill trap including pain, respiratory distress and hypothermia – and this is carried out repeatedly and on a routine basis.

When animals in the natural ecosystem are killed this creates a vacuum which draws in animals from the surrounding area. The more animals killed the more animals move in, and 'have to be killed'. Terrestrial animals move more slowly and over less distances than birds so are subjected to more intensive destruction. Trapped by their own instincts to go below ground for sanctuary, land mammals become sitting targets until they meet their final end.

Both criminal activities and legal activities are part of the relentless cycle of death to ensure that game birds will be available in industrial numbers for a few individuals to shoot. So vital is this constant killing to running a successful driven grouse moor that during the Covid lock down when everything other than emergency human services stopped, gamekeepers were still out killing.

**POOR JUSTIFICATION** Managing land for grouse shooting has none of the characteristics of food production - most of the birds shot are not eaten (they are buried or given away), grouse is not an essential in the modern Scottish diet, and a substantial proportion are killed on roads or by diseases and hypothermia – a situation which would result in a livestock farmer being prosecuted for animal welfare offences.

## DESTABILISATION OF ECOSYSTEMS

The aim of a grouse moor management regime is to alter the natural ecosystems to an extreme. The regime favours perfectly a handful of species mainly red grouse in unnaturally high densities. The claim that a few other species of ground-nesting birds are 'conserved' on grouse moors overlooks the reality that these other species simply accidentally get by on the regime. Curlew and waders evolved a great deal earlier than land was managed for grouse shooting. They lived within much more complex ecosystems which were self-sustaining and dynamic, and that is where conservation efforts must be diverted going forward.

Management practices on land used for grouse shooting drain the land by constructing tracks and burn the vegetation resulting in damage to peat and increase the risk of fire. Animals that require moist varied habitats are unable to survive and those that do are not able to become a viable population.

## PERSECUTION OF BADGERS

Badger, like wildcat, is a species primarily suited to woodland/grassland margins ecological systems, but also can live in uplands and most terrains other than bog. Why then are badgers absent from much land in Scotland where they should be present?

Badgers are often blamed for the ill-effects of human poor practices. Some blame badgers for the spread of bovine TB although evidence demonstrates that bTB is spread by cattle movements; it is not present in wildlife in Scotland and farmers and APHA should be congratulated for having kept Scotland officially bTB free through their adherence to the strongest testing regime. Some blame badgers for lamb deaths although evidence demonstrates that 20-30% of the annual lamb crop die young from birth trauma and diseases, that lamb death have remained stubbornly high over the past 40 years, and a maximum of 2% of lamb deaths on average may involve a wild animal as a factor although not necessarily the significant factor.

Similarly, some blame badgers for the decline in ground nesting bird populations although evidence indicates that the overwhelming factors responsible are loss and fragmentation of

sufficient varied habitats that they need for nesting opportunities and food, and collapse in the diversity of plants and the insects associated with them as a result of widespread use of herbicides and insecticides. All species of birds, and small mammals and insects, are reduced to pockets of land too tiny to support life, and nesting places are exposed to disturbance by human activities, dogs, trampling by livestock and other wild animals trying to survive on the same vanishing resources. While it may be tempting to blame badgers for taking ground-nesting birds eggs where they are available it is a result of the cascade of collapse in ecosystems that stems from management practices used in grouse production. The curlews find enough to support life on land managed for grouse are not evidence of the grouse regime being beneficial for nature, rather they are evidence of a sinking ship whose broken planks offer an unnatural life raft.

Although unfounded, myths about badgers, and foxes, are amplified in some stakeholder communities to the point that some take actions based on their beliefs to ensure badgers, and foxes, are not welcome. The cumulative effect over centuries has been that badger populations across Scotland today are still recovering from a very low baseline, following centuries of persecution combined with human practices that destroy the natural mixed habitat they need for shelter, safety and food and to the point of extirpation in some places.

Badgers and other terrestrial wildlife are unwelcome and persecuted on and around land managed for grouse shooting. Recently, a sophisticated investigation by the SSPCA and police together uncovered a national animal fighting ring involving gamekeepers on land they manage for grouse shooting. Whilst estates state no involvement, their staff kept the dogs and equipment they use in badger and fox baiting on estate premises and conducted extremely cruel activities over a number of years. In the case to which we have given a link Rhys Davies whilst a gamekeeper on an Angus estate, and award-winning gamekeeper whilst at college, carried out badger baiting with groups of like-minded persons each boasting about their dogs' fighting ability and failing to seek veterinary treatment for their severe injuries. Trophy photographs showed badgers and foxes badly mutilated and being mauled by the dogs. Raptor bodies were also found. However, it was the evidence emanating from Davies' ill treatment of his dogs that resulted in a successful prosecution and imprisonment for 8 months. The ring includes perpetrators across Scotland including in MacDuff ( <https://www.copfs.gov.uk/about-copfs/news/former-gamekeeper-jailed-for-animal-fighting-and-gun-offences/>).

Scottish Badgers receives reports from people who have concerns about badger persecution on land used for bird shooting but are fearful of their identity becoming known so mostly do not feel able to make a report that could be used by the investigating authorities.

We have ourselves, in the course of carrying out field surveying for educational purposes encountered physical barriers (fences, hostile signage, vehicles arriving) and hostile questioning while standing on a public road.

## RECOMMENDATIONS.

MOORLAND ECOSYSTEM RESTORATION needs to be an integral part any scheme for better regulation of land used to shoot grouse. Scotland is 7th worst of 196 countries in biodiversity intactness (IUCN Decade of Ecosystem Restoration 2021-2030).

No other country with comparable moors chooses anything like these methods of land management. They choose to enjoy the varied experiences that natural rich moorland habitats offer and so sustain more jobs (MacDonald, Rebirding 2019).

We have an urgent target of 30% land to be restored to nature by 2030, and all land management types need to be part of achieving this including land managed for grouse shooting – for equity going forward and to compensate for damage already done.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

Scottish Badgers supports a licensing system BUT would draw attention to the fact that it is vital for old behaviour patterns to change and for moorland management to become more effective in providing benefits for all the people of Scotland, rather than the few who come in to shoot and leave again supporting few jobs relative to ecotourism and maintaining an insecure employment regime for working people.

Chemicals used in medication of grouse are released into the natural environment on a widespread scale that would be unacceptable elsewhere and the effects of which are not contained. It should cease and is not justifiable at a time of nature collapse.

Recommendation - the full costs should be borne by those requiring the licence not the public purse.

Recommendation – a named person to be responsible for the licence, and monitoring.

Recommendation - option to add other bird species to prevent some carrying on as before.

Recommendation - end mass medication of grouse as harmful to the environment and health.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Scottish Badgers strongly supports the proposal and would draw attention to the fact that it is to extend investigatory powers; this supports not supplants the role of Police officers. Police Scotland already has many demands on its officers' expertise and person-power. This is not likely to ease off in future. Even where a Division has a dedicated wildlife crime officer they are likely to be over committed, nor can they be available 365 days in the year - Police Scotland wildlife crime officers are required to cover all wildlife offences, which includes protected habitats as well as protected species, a vast remit.

In the experience of Scottish Badgers, SSPCA personnel and resources make a significant and crucial contribution to the successful investigation of incidents particularly those involving snares or dogs in wildlife crime.

in addition, it is evident from court cases that early involvement of Scottish SPCA resources in investigations substantially improves the likelihood of a case proceeding to the COPF service and resulting in successful prosecution.

SSPCA personnel bring important experience, capacity and resources to assist the Police in wildlife crime investigations:

1. assisting in gathering and confirming evidence especially when dogs or snares are involved in wildlife crime
2. expertise in forensic analysis of phone data
3. intelligence based on networks and OCGs associated with animal fighting
4. the capacity to respond swiftly (when a Police Officer is required to prioritise other duties) and as a result be able to gather evidence before it is removed from the locus or becomes contaminated.

By way of comparison, Scotland's District Salmon Fishery Boards (DSFBs) appoint fisheries bailiffs who have powers of entry, search, seizure and detention under the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act . It should be noted that water bailiffs have greater powers than is being considered for the SSPCA yet the SSPCA would be assisting with offences involving animal cruelty that are commonly connected with serious and organised crime and violent offences against people. We are in a time where Police Scotland have increasing demands on their resources and victims would benefit from a collaborative approach to investigations, as demonstrated by successful badger investigations of crimes involving dogs or snares.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

YES

“Biodiversity is in crisis, both globally and in Scotland” “we need to transform the way we use and manage our natural resources” (Scottish Government Environment Strategy, 2020; Scotland’s Biodiversity Strategy Consultation June 2022). Scotland ranks 212th out of 240 countries on how intact its biodiversity remains. We are seeing a cascade of collapse of nature systems and are dangerously close to a tipping point. Land used for ‘sporting’ interests has historically contributed significantly to this cascade of collapse (State of Nature Scotland Report 2019).

The UN's Global Biodiversity Outlook (September 2020) and the IPBES Global Assessment of Biodiversity (May 2019) describe the damage that human practices have done as a consequence of "direct exploitation of organisms" driven by "poor governance".

Muirburn puts at risk peatland that sequesters carbon, retains moisture, and supports unique constellations of diverse life. Air pollution from grouse moor burning, flooding of homes and businesses caused by the drainage systems and the loss of hundreds of thousands of animals and birds killed legally or otherwise are problems that spill over to affect the surrounding areas.

Muirburn is routinely carried on longer than the period allowed, demonstrating an absence of voluntary restraint or recognition of the harm.

We do not know the extent of wild animal suffering that must take place daily as a result of grouse moor management practices, as our presence is not welcome on shooting estates, however investigating authorities have come to the conclusion that the successful prosecutions for badger cruelty and killing represent a much wider network of deliberate malpractice. We see the promotion of incorrect allegations about their how badgers interact with the natural environment being promoted, often using demonising and derogatory language which incites to action.

#### GROUSE ECONOMIES ARE POOR COMPARED TO ECOTOURISM ECONOMIES

compared to 40,000 visitors to grouse moors 240,000 visit western scotland for whale-watching, 290,000 visit osprey watch-points, dolphin-watching generates 52,200 overnight stays a year.

Grouse shooting if we include the related services jobs accounts for 0.008% of the jobs in Britain – 1,072 jobs in Scotland whereas in Scotland nature-based tourism is estimated to produce £1.4 billion per year along with 39,000 FTE JOBS.

(Fraser of Allander Institute Report 2010; SNH Commissioned Report no. 398.)

Recommendation - a precautionary definition of peat depth (30cms) given its global value.

Recommendation - if there is to be licensing the fees should be set to cover the entire cost of the scheme plus effective monitoring.

Recommendation - look at e.g. Sweden where comparable moorlands are allowed to be natural and bring income and jobs.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

Scottish Badgers supports the licensing proposal BUT the licensing scheme should be granted the power to include a requirement for independent monitoring and the licence fee needs to cover the full cost of this. In other industries the polluter pays both to prevent damage to the natural environment and to clean up damage caused to the natural environment as a result of allowed activities.

The period for which a licence allows activities needs to protect terrestrial animals from suffering including from starvation, burning, and damage to their sets/ dens/ places of shelter, as well as protect wild birds and their nests. Therefore, it should not allow burning at times of year when wild birds and animals are breeding or have dependent young – nor be allowed as a repeated activity on the same area, since it is vital that future land management approaches be sustainable and not require repeated human intervention to keep them going.



## **Scottish Countryside Alliance**

Political campaigning organisation with a membership with interests in all rural aspects, including fieldsports, pest and predator control and conservation.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Trap operators are already trained to a high standard and the likelihood of non-intended captures are minimal. The removal of any method of controlling pests will only promote population growth and this will have an adverse effect on public health, agriculture and pest control businesses. As with any trapping practices, training could be reviewed and enhanced so that effective control could still take place with minimal disruption or non-intended species being caught. Consideration should be given to the licensing of glue traps for use by professional pest controllers, as is the case in England.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Legal traps are now designed and used within an enclosed tunnel of some description. They are not used the way the old Fenn trap was used and now have a downward pressure action to dispatch the target animal instantly when it enters the trap from the side and through the tunnel. Set correctly, it is virtually impossible for a raptor to be caught by one of these traps and so the regulation of such is not necessary. Criminals may continue to use the now illegal Fenn trap, but these people will not be registered or attend a training course. It needs to be considered why legally set traps and operators may have to be registered or licensed. Time and effort would be better served holding an amnesty to collect as many old Fenn traps as is possible so that criminals can no longer use them.

To add to this argument, the Scottish Government acted on a suggestion in The Werritty Review stating that the industry should be given 5 years to address concerns surrounding raptor persecution and to ensure a favourable conservation status. No such thing was considered and plans to regulate were initiated. We are not aware of a single raptor persecution conviction in Scotland over the past year. Our industry has worked tirelessly, condemning any wildlife crime, and has successfully aided in reducing raptor persecution to an all time low.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Cage trap operators already adhere to a system whereby an individual has to be registered and issued with a unique number for traceability purposes. This is understandable since the welfare of live animals could be questioned should anyone not adhere to the codes of practice appertaining to the trap they operate. Modern traps have advanced in both operation and lethality over the past 5 years and the likes of the Fenn trap is now no longer in use. The development of traps, such as the DOC, Tully and the Goodnature A24 ensured that traps that are designed to kill do so effectively. They have passed stringent trials and have been designed to be instantaneously lethal. These traps are also much more expensive and more time-consuming to operate than their predecessors. These facts alone will deter many from setting traps illegally as if a land manager is willing to invest in effective legal traps, then they will be sufficiently trained to operate them. The accountability should focus on those using illegal traps who would not even consider being trained and registered.

Additional regulation of legitimate and experienced trap operators is unnecessary, burdensome and will incur more expense when licensing becomes cost-neutral. Less trapping will be conducted and increased damage will be inflicted in both agricultural and conservation sectors. It should also be noted that modern trap design meets or exceeds the humane standards set for traps used under the Agreement of International Humane Trapping Standards (AIHTS). Therefore even where AIHTS does not apply the humaneness of properly conducted trapping is comparable.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The shooting of grouse is governed by recently strengthened laws surrounding raptor persecution. More severe penalties are now in place, including increased fines and prison sentences. Vicarious liability for landowners is in place and NatureScot are readily able to utilise powers to restrict the use of general licences. Incidents of raptor persecution are also at an all-time low.

The introduction of a licensing system would be discriminatory towards a landowners' right to shoot grouse. It is disproportionate given the enormous reduction of offences and would also incorporate those who shoot over small walked-up shoots who do not conduct muirburn or manage the land for driven grouse shooting. If restrictions or regulations were to be introduced, any sanctions should only be imposed where there is proof beyond reasonable doubt that a raptor offence has taken place and by someone directly involved in the active management of that land. It will be all too easy for those opposed to shooting to make a vexatious complaint or allegation in order to initiate an investigation resulting in a licence being withdrawn or suspended. It is also worth noting that raptor numbers are at a high and are clearly thriving on managed moorland.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The introduction of a licence is unfair and the Bill is unworkable. It imposes unnecessary regulations on moor owners, particularly following a substantial decrease in offences relating to raptors. We must also question why to take a grouse you must be on licensed land covered by a CoP but this does not apply to the taking of any other game.

Should a licence be introduced then it should be issued freely and without a time restriction. NatureScot will have discretionary powers to grant or refuse applications on appropriateness. There is no clarification as to what this means but there is also no justification for such broad and undefined discretionary power. Whether someone is shooting 1 grouse on moorland or 100, a licence should not be refused unless there is evidence of raptor offences closely related to that present situation.

Sporting businesses often plan over a year ahead so there are grave concerns that a licence may only be granted for a maximum period of 12 months. Businesses will not be able confidently to book in customers as they will not be sure whether they will even have a licence the following year. This isn't just about the shooting of grouse. This will affect hospitality and tourism in areas that rely on it so heavily. If one removes the incentive to shoot grouse, then moorland will no longer be well managed and the conservation status of red listed species will suffer. Investment in both conservation and in the local economy will decline.

The modification of the licences by NatureScot is also dangerous. Unless there is a clear offence against raptors then no licence should be modified. A clear conviction might result in a revocation, but the modifying of licences is disproportionate and unwarranted. It constitutes a sanction.

It is again worrying that suspension or revocation could be so easily initiated. An allegation which leads to a police investigation may result in the suspension of a licence. This could be devastating both for the business and for the reputation of all involved. The suspension or revocation of a licence will be national news and trial by media will begin. Once tarred, the stigma will never be lost and the damage will have been done, even when a licence is re-issued upon no charges being brought.

It is also a concern that Ministers are seeking to take powers to extend licensing to other birds, which could result in licensing being applied to land where other species are taken or killed without the need for consultation or primary legislation.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

A charity should never be allowed statutory powers to investigate and we are already concerned at the extent of the SSPCA's powers in the context of law enforcement. The SSPCA is already a reporting agency. There is clearly a conflict between the role of a charity in campaigning and fundraising and involvement in law enforcement. Giving additional powers to the SSPCA as is proposed also raises questions about the position in law of the SSPCA as to whether they are a public or private body which is particularly relevant in terms of the Regulation of Investigatory Powers Scotland Act 2000 (RIPSA).

SSPCA staff are not trained to a sufficient level to ensure vital evidence is secured and to ensure that a sufficient case file would make it into the courts. There is also the vital issue of ensuring that forensic evidence is properly gathered and the integrity of that evidence is assured, which is particularly important in the context of wildlife crime.

As a former police officer I had to be successful over another 49 applicants who will fail the initial process. Then followed 8 separate assessment days over a 6-month period whereby potential officers were frequently lost and numbers dwindled significantly. The successful candidate would then go on to an intensive 15 week law input, which included 3 major exam assessments. If this stage was completed then the probationary officer would then have 2 years to gather evidence to support their progression to be fully inducted as a confirmed officer. A two and a half year assessment and training process so that evidence gathering could be perfected and investigations carried out correctly.

A current vacancy within the SSPCA for an Admin/Intelligence Officer asks for an application and, amongst other things, rota planning, input intelligence reports and link reports, conduct open source research, control holiday allocation, work with ARRC database (referrals and court outcomes), handle phone enquiries, spreadsheet work and the taking of minutes in meetings. This is not a specialised intelligence role and the broad spectrum of work will ensure that an investigation will suffer from lack of experience, training and commitment to the task.

There is also the vital question of accountability where the police are accountable in way that charities are not. If the SSPCA is to take on an expanded role as a policing/law enforcement body then it needs to be subject to proper oversight and accountability.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Muirburn, along with mowing and leaving vegetation unmanaged, should be an available and unlicensed management tool, as elevation, orientation, composition etc results in there being no 'one size fits all' approach that land managers can use. Compared with unmanaged plots, the latest research has found that muirburn, along with mowing, can support an increased diversity of vegetation, with higher levels of sphagnum moss that supports the formation of peat. Burning has also been found to be particularly good both for carbon uptake, and nutrient content for grazing animals, and that over a period of 10 years, burnt areas can absorb more than twice the carbon when compared with mown areas.

Whilst there can be some initial benefits to allowing heather to grow unmanaged, it becomes less efficient at taking up carbon as it ages, and it can result in a lowering of the water table compared to those areas managed either by burning or cutting. The drying out of moorland can result in an increased risk of wildfires, especially given our warmer and drier summers. Unlike the controlled cool muirburn carried out on grouse moors, these can result in huge carbon losses and environmental damage as was seen with the 2019 wildfire of Scotland's Flow Country, a UNESCO world heritage site which had become overgrown. This resulted in over 22 square miles of moorland being severely damaged, with 700,000 tonnes of CO2 equivalent released into the atmosphere, doubling the country's greenhouse gas emissions for the six days it burned!

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

There is no clear evidence or science to support additional regulations when referring to burning on peat deeper than 40cm. It would be helpful to understand how this figure came to be a defining level.

Peat levels differ massively in localised areas and so the ability to remain on a depth more shallow than 40cm would effectively require a walker with a peat probe checking every square meterage where the fire was going to be active.

Muirburn has been effectively used by experienced practitioners for decades and the natural firebreaks are most effectively created by utilising this method where suitable, or it would not have been frequently conducted. The staged burning and regeneration promotes a healthy mix of different types of heather stages, supplying both food and shelter for many species. This practice has never been licenced and does not need to be licenced since there is no clear evidence that it is adversely destructive when done properly. There is, however, evidence to the contrary, as wild birds and mammals thrive on grouse moors. Sadly, this evidence is repeatedly and conveniently overlooked.

# Scottish Crofting Federation

Established and run by crofters themselves, SCF is the only organisation dedicated to campaigning for crofters and fighting for the future of crofting.

By actively engaging with public authorities, we influence policy on rural, agricultural, social and environmental issues. Originally set up in 1985 as the Scottish Crofters Union, the organisation continues to protect and promote the interests of crofters and the crofting community.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Yes, in relation to traps for the live capture of birds and mammals but with the exception of rodents. Rodent traps (kill or live capture) should be exempt from further regulation, or at least a similar exemption to indoor use should apply to use by individuals on the grounds around their residence.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

SCF agrees with a licensing system but not in relation to traps used for rodents (indoor and outdoor). The recommendations on traps and training of the Werritty report explicitly target estate managers and their staff but the scope of the suggested measures is much broader to include any "person operating a wildlife management trap". Requirements, notably in relation to training, should be proportional to the capacities and resources of crofters and the risks involved, to ensure that necessary wildlife trapping remains an option that is available to all land managers. Awareness raising and capacity building should be central to the Scottish Government's approach to ensure compliance with new requirements and to achieve its animal welfare objectives. Penalties should be proportionate to the offence and the level of culpability and should not deter legitimate use of traps due to the disproportionality of penalties even in case of negligence.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Don't know

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

N/A

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Don't know

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

N/A

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Don't know

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

No answer

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Yes, but any additional requirements should be designed and implemented with crofting in mind. SCF has legitimate concerns in this regard as the Werritty report is focused on sporting estates and does not mention crofting at all.

Where additional regulation is put in place or where existing rules are reformed there should be a solid evidence basis. For example, it is unclear why the Bill proposes to change the definition of 'peatland' from 50cm to 40cm – contrary to the views obtained through the public consultation (44% of those answering the question said that the definition should not be amended versus 38% who thought that it should). After consultation with the fire services, we understand that controlled muirburning does not normally penetrate the peat layer. The Werritty report recognises evidence that shows that: "less than 10% of reported wildfires were attributed to 'controlled burning' or 'heather burning'" (Werritty report, 2019, p 37), and that evidence on impacts of muirburn on peat forming plant species is inconclusive and contradictory, with several studies finding positive impacts (Werritty report, 2019, p 35). Scottish Government itself: "supports well-managed muirburn and recognises its potential to

reduce the impact of wildfire” (Scottish Government, 2017). SCF strongly supports measures to protect peatlands and mitigate climate change, but we ask for further research into the positive and negative impacts of muirburn in this context to ensure that legislative measures (definition, restrictions, exemptions) are able to deliver on climate change objectives, with adequate risk assessments, and do not restrict the potential of muirburn for other outcomes.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

SCF supports mandatory training on muirburn as a safeguarding measure, a check on competence and a way to promote and support best muirburn practice. Such training should be accessible and adequate for the circumstances and needs of crofters. However, we are greatly concerned about a licensing system and the potential costs and admin burden involved. As stated above, the proposals for a new system have been designed with big sporting estates rather than crofters in mind. The risk is that licensing requirements will have a disproportionate impact on crofters and may prohibit crofters from using controlled burning as a land management tool. This is particularly concerning in light of the scope of the licensing requirement which we understand would include any use of fire to control vegetation apart from stubble burning - a much broader definition than what most crofters will understand to be ‘muirburn’.

Research in other countries has shown that licensing requirements may not lead to stricter compliance with fire legislation (e.g., New Zealand - Langer and McGee 2017; Brazil - Carmenta et al 2013; French Pyrenees - Coughlan 2013).

It is noted also that the United Nations Environment Programme (UNEP), in its report ‘Spreading like Wildfire: The Rising Threat of Extraordinary Fires’ (2022) recommends for support for and integration of traditional fire management in policy (p 16), in recognition of the potential of “traditional knowledge and experience [...] in informing land management practices that assist in the prevention and mitigation of wildfires”. A distinction between regulatory requirements for sporting estates and for traditional use of fire in a crofting context, would be a way to implement the recommendation in Scotland.

SCF supports mandatory training at low-cost, which is targeted specifically at the small-scale crofting context. Additionally, SCF calls for a funded muirburn alternatives programme to be put in place to support crofters to consider alternative approaches for the management of vegetation. Support measures should include, but should not be limited to, a hill cattle premium specifically to encourage the control of vegetation through cattle grazing, enhanced support in CAGS for cattle-related items and capital grants for cutting equipment.

Lastly, and notwithstanding our position on licensing outlined above, a number of important questions will need to be answered before any new regulatory requirements in relation to muirburn are put in place, including:

- For what time-period will a licence be granted?



- Who will be responsible for licensing applications, notably in relation to muirburn on common grazings, and what does this mean for liability?
- What will licence requirements include and what will it cost?
- How will peat depth be measured and who is responsible?
- How will compliance with the Muirburn Code be judged/monitored?

# Scottish Environment LINK

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 40 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Its member bodies represent a wide community of environmental interest, sharing the common goal of

contributing to a more sustainable society. LINK provides a forum for these organizations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for the environment.

Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

This response is supported by Scottish Badgers, Whale and Dolphin Conservation, Amphibian and Reptile Conservation and RSPB Scotland.

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Yes, Glue traps are cruel, inhumane and indiscriminate and may also attract predators, including domestic animals, to the stricken animals which themselves could become caught up in the glue, some of which could be protected species. This is an ideal opportunity to banish these entirely from use in Scotland. With glue traps currently being readily available on public sale there is no training on where and when to place these nor how to minimise 'by catches'.

## **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

## **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

This is the appropriate moment that the Scottish Government should adopt the International consensus principles for ethical wildlife control for all wildlife management.

We do not believe in the mass killing of animals and birds to enable the grouse shooting industry to be able to shoot more grouse. The denuding of Scotland's environment through the legal and illegal trapping and killing impoverishes Scotland's biodiversity.

The use of traps to live catch birds above certain altitudes should cease as we believe they can be deliberately placed to catch young raptors. We also believe that the use of traps

should only be allowed during the earlier part of the season and not left out throughout the year.

All traps should carry a unique identifier to enable specific traps to be linked to a specific keeper beat and to the individual keeper to enable accountability.

We would like to see specific returns of the number and species of animals and birds caught, killed or released from each individual who operate traps and should become a condition of their licence. Currently, we have no understanding of how many animals and birds are being caught either as a pest species or as accidental 'by-catch'. These returns would help build up a picture of the range and number of each species and in particular rare species such as wildcat and badger. Perhaps trapping has restricted the range of some species or equally an increase in numbers caught may suggest range expansion for others.

We would like to see the standardisation of all forms of traps and other devices, as this would simplify the process of oversight, accreditation training and licencing.

Snaring is an archaic method and should be banned. The United Kingdom is one of the only countries in Europe which permits the use of snares. It is morally repugnant that snares should be used to kill animals and birds simply so a few individuals can kill more game birds for fun.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree reasons**

LINK strongly supports these proposals.

Whilst monitoring thousands of traps across many land holdings would be nigh on impossible unannounced spot checks on fewer more problematic estates would be easier to achieve. This would send out a strong message.

Training schemes should be led by NatureScot and the frequency reduced to every five years rather than the proposed ten.

LINK would like to see shooting estates reporting the total number of quarry birds shot every year to provide greater transparency. It would also help inform the health of their population.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

LINK agrees there is a need for greater regulation of land to be used to shoot red grouse.

Despite the industry having decades to cease raptor persecution and to begin operating in a more environmentally and animal welfare friendly manner they have consciously chosen not to do so, therefore a licencing scheme has now become necessary. The industry's own voluntary Muirburn Code has been ineffective with some grouse moor practitioners being found in breach and met with little, if any, consequences.

Little is known about the usage of medicated grit, the dosages and volumes being left out in the countryside. More transparency is required and SEPA's expertise may be required to better understand the impact this may be having downstream. How does the prescription of such medicated grit work and what checks and balances are in place to ensure the correct dosage is being applied? Is medicated grit being withdrawn in time before the shooting season and are grit trays in place to prevent further contamination from grouse faeces?

Wildlife crimes often take place in remote areas with ample opportunity for the culprits to hide their crimes and securing a successful criminal conviction is always going to be difficult so it is good news that any future decision to withdraw the licence to shoot will be based on the civil burden of proof.

The withdrawal of general licences from some land holdings is now a tried and trusted process and we have confidence in this process and that any decision reached is achieved through a multi-agency approach which helps ensure a transparent and fair process.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

LINK strongly support the proposed licensing system.

We believe the cost of a licencing scheme should be recouped through charging for licences, like SEPA. It is inequitable that the cost of administering such a scheme for the benefit of very few should fall on the public purse, especially when so much environmental destruction is wrought on the environment to the detriment of the wider public. We have concerns that if no cost is levied this may hinder NatureScot's effectiveness to oversee such a scheme and in particular its ability to undertake proactive visits. If the new licensing scheme is seen as being ineffectual, then it will be seen as being no deterrent at all.

We would like to see a named individual as the licence holder or a specific job role who would be held accountable for any breaches and this could include the owner, sporting agent, factor, head keeper, tenant or the individual that has permission from the owner for any syndicate shooting. Owners of some land holdings are shown as trustees or companies, some overseas, so locating the appropriate individual could be challenging. Vicarious liability was introduced to hold owners of estates to account where a criminal charge had been successful brought against an employee. One of the reasons why so few prosecutions have been brought has been the inability to identify the true owner of the land holdings, the new scheme should not have the same failing replicated as we see in the Vicarious Liability legislation.

We have concerns that should a land holding lose its licence to shoot red grouse they cannot easily switch to other quarry species such as red legged partridge. The wording should account for this eventually.

The Muirburn Code should be beefed up to be part of the compliance regime as voluntary codes rarely carry the same weight and can easily be ignored with few if any consequences. The wording should no longer be couched in terms of a voluntary scheme but as part of a compliance regime.

NatureScot should be granted the powers as the licensing authority to enter land without consent, otherwise they cannot undertake spot checks to ensure compliance or for any other reason.

The construction of hilltracks - often of poor quality and causing landscape and environmental damage - is often associated with intensive grouse moor management, and this practice has in recent years come under increasing public scrutiny.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

LINK strongly agrees that the SSPCA should be given additional powers to investigate wildlife crimes. The SSPCA have a long history of working with the police and other agencies and would bring additional professional personnel with specialist training and equipment and are experienced both in investigation and in reporting wildlife crime offences which goes largely undetected.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

LINK strongly agrees that there is a need for additional regulation for muirburn for several reasons:

The existing regulatory framework is no longer fit for purpose. The Hill Farming Act 1946 was created to improve productivity of the land, fast forward to 2023 where we are facing a nature and climate crisis.

The existing muirburn regulations are voluntary and too easily ignored with very few consequences for breaching the code and they are not policed. Some muirburn is deliberately used as a tool to burn through heather banks where harriers have previously

nested or used to destroy golden eagle eyries or cause enough disturbance so they abandoned any breeding attempt that year.

Muirburning on peat has longer term impacts on the water table which damages its ability to function efficiently causing it to dry out and subsequently suffer carbon loss. There are opposing scientific views on it's merits however the weight of scientific opinion views burning as detrimental. Peatlands are a form of wetland and do not need to be burned to be healthy.

Muirburn can cause wildfires even when the code is adhered too.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

LINK strongly supports the proposed licensing system for Muirburn.

LINK supports a deep peatland definition of 30cm.

Monitoring and compliance costs should be recouped through licencing fees.

The new Muirburn Code needs to be clear and explicit as to what is required of the practitioner and therefore what actions would constitute a breach leading to investigation by NatureScot.

Burning and grazing on peatland or peaty soils should be prohibited for whatever reason.

Currently the closure to the muirburn season can be as late as the end of April and we believe that this could destroy nests of early nesting birds, including red grouse. LINK would like to see the latest date for Muirburn being taken back earlier perhaps to mid to late March. Golden eagles are often nesting by mid to late March. The specific purposes for muirburn should be made clearer and be more consistent bearing in mind that the muirburn covers a variety of landholdings including crofts.

Large amounts of public money have been invested in peatland restoration to help deliver Net Zero targets and these measures should not be put at risk through weak or ineffectual muirburning regulations.

There has been a suggestion that burning should be undertaken to provide breaks amongst vegetation to reduce 'fire load' however there is a lack of field studies to back this up. We are opposed and see this as a back door to circumvent the legislation. Cutting or rewetting are alternative methods to prevent or limit fire. Grouse moors with their uniform and extensive heather banks complete with drained soils actually contribute to the fire risk, and it would be better for these moors to have a variety of vegetation with wet flushes and damp patches which would do much to minimise or reduce the risk of fire.

NatureScot's Scientific Advisory Committee should have an involvement in signing off the licensing scheme.

# Scottish Land & Estates

Scottish Land & Estates is a membership organisation which represents landowners, land managers and rural businesses. Our vision is to make a prosperous and sustainable future for rural Scotland, delivering benefits for all. We do this by championing and supporting rural businesses that provide economic, social and environmental benefit to the countryside.

Scottish Land & Estates represents a large number of grouse moor owners and managers in Scotland. The organisation has a dedicated moorland team which provides representation, advice and guidance on a wide range of issues pertaining to the management of moorland and wildlife.

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

1.1. Scottish Land & Estates does not have a position on the proposal to ban the use and purchase of glue traps.

## **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

## **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

### THE POLICY OBJECTIVE

2.1. The rationale for imposing additional regulation of the use of certain wildlife traps is summarised in paragraph 58 of the policy memorandum which states: “the illegal use of traps on and around grouse moors continues to be an issue.”. The memorandum references two isolated incidents in the same paragraph in which two hen harriers were allegedly caught in illegally set spring traps in South Lanarkshire (May 2019) and Perthshire respectively (general licence restriction imposed on the estate in question in January 2022).

2.2. Paragraph 59 of the policy memorandum then asserts the following: “where live capture traps have been used to persecute raptors, they are usually either ladder traps, or funnel traps.”. The policy memorandum does not provide any evidence to substantiate the claim that live capture traps are used to persecute raptors on grouse moors or indeed anywhere else.

### LACK OF SUPPORTING EVIDENCE

2.3. Scottish Land & Estates is not convinced by the rationale for imposing additional regulation on the use of certain wildlife traps, as set out in the policy memorandum. It fails to acknowledge the findings of the latest wildlife crime report (Scotland’s official record of wildlife crime), which has consistently shown that the persecution of raptors using traps is infrequent compared to shooting and poisoning. For example, in the year 2020-21, there was



one alleged trapping offence; five alleged shooting offences; three alleged poisoning offences; and two 'other' undefined alleged offences. The accused in the aforementioned trapping incident (pertaining to a sparrowhawk found "beside a trap" on a low ground estate in the North East in August 2020) was acquitted after it was found Police Scotland had lied about their reasons for conducting a search. The total number of trapping offences in relation to raptor persecution in 2020-21 is, therefore, nil.

2.4. Paragraph 58 of the policy memorandum is clear that the illegal use of traps "on and around grouse moors" is the central issue. Other than the two isolated incidents in South Lanarkshire and Perthshire, the policy memorandum does not provide substantial evidence to support this assertion, and neither does the latest wildlife crime report. It is worth highlighting that the national wildlife crime record does not differentiate between raptor persecution incidents and land use, so the claim that the illegal use of traps is particularly prevalent "on and around grouse moors" is simply not supported by tangible evidence.

2.5. Paragraph 62 of the policy memorandum gives rise to internal inconsistency about the purpose of the proposed licensing system for the use of certain wildlife traps. It states: "the purpose of the wildlife trap licensing scheme is to ensure that wildlife trapping is being undertaken in an environmentally sustainable manner, with due consideration of all the possible consequences.". The "possible consequences" have, thus far, been defined in two anecdotal references to isolated raptor persecution incidents involving spring traps, and no evidence has been produced to suggest the use of traps is not being undertaken "in an environmentally sustainable manner".

## CONCLUSION

2.6. Overall, the evidence base for imposing additional regulation on the use of certain wildlife traps is insubstantial, unconvincing and internally inconsistent. The fact that there are so few incidents of illegal trap use (as set out in the national wildlife crime record) in relation to raptor persecution suggests that the vast majority of trap operators adhere to very high professional standards.

### **Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

### **Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

3.1. Scottish Land & Estates does not believe that the Scottish Government has presented sufficient evidence to impose additional regulation on the use of certain wildlife traps. Our forthcoming commentary on the merits and demerits of the proposed licensing system should not imply that we accept the need for licensing in any way.

## PROVISION OF TRAINING

3.2. Members of Scottish Land & Estates are committed to upholding high professional standards, and we support putting land managers through training courses with relevant professional bodies on a voluntary basis. Indeed, engagement with the gamekeeper members of Scotland's Regional Moorland Groups has indicated to us that the completion of voluntary training is routine and commonplace.

3.3. Scottish Land & Estates does not agree that land managers should be required to complete an approved training course in order to be issued a wildlife trap licence number. If an approved training course is to be developed, it should mirror existing courses and be outsourced to land management organisations to deliver (such as the Game & Wildlife Conservation Trust, the British Association for Shooting & Conservation or the Scottish Gamekeepers' Association).

## UNIQUE LICENCE NUMBERS

3.4. Scottish Land & Estates disagrees with proposals to subject spring traps to unique licence numbers. It is logical for live capture traps for birds – which carry additional animal welfare obligations on the part of the operator – to be subject to the requirement to display a unique licence number. However, given the Scottish Government's policy memorandum has failed to provide sufficient evidence of illegal spring trap use in relation to raptors (paragraph 58), environmental sustainability (paragraph 62) or undefined possible consequences (paragraph 62), we cannot support the imposition of a requirement to display licence numbers on spring traps. Scottish Land & Estates is clear that animal welfare is not a legitimate reason to impose unique licence numbers on traps listed under the Spring Trap Approval Order, as spring traps kill instantaneously.

3.5. Engagement with members of Scottish Land & Estates and Scotland's Regional Moorland Groups has indicated that the imposition of unique licence numbers on spring trap operators would have unintended consequences that would disproportionately impact the licence holder and their employer.

- 3.5.1. Displaying unique licence numbers on traps has the effect of personalising wildlife management infrastructure, and it is widely recognised that any illegality associated with said infrastructure would be linked to an individual (in many cases, a gamekeeper). Scottish Land & Estates has obtained testimony (see paragraph 3.5.1.1 and 3.5.1.2) from several gamekeepers who have been vexatiously sabotaged by animal rights activists who have recognised that unique licence numbers on snares and live capture traps are linked to an individual. These activists include individuals associated with well-known campaign groups. In some cases, infrastructure has been deliberately reset in an illegal fashion in order to incriminate gamekeepers. Scottish Land & Estates believes that the scale and extent of this issue supports the introduction of a specific standalone offence to tackle interference and tampering of trapping infrastructure, with penalties reflecting those set out in section 5 of the Bill.

o 3.5.1.1. "I have been through the experience of being set up by individuals associated with an animal rights organisation who are ideologically opposed to grouse shooting. The ordeal was traumatic and very detrimental to my mental health and wellbeing, lasting more than two years while the investigation was ongoing and before I was vindicated by a court. One day at work I was confronted by two individuals in balaclavas in an area I had previously been operating snares. They started filming me and being verbally abusive. This area was remote and could only be accessed on foot. The snares that I had operated previously had been deactivated and stored nearby. I was returning to reactivate them. Unknown to me, the individuals in balaclavas had reset the snares themselves in a bid to set me up. Two foxes had been caught within them, and it was evident the foxes had been held in the snares for an extended period, causing death to one and suffering to another. The snares displayed my unique licence number on them, as is required by law. From then on, it felt like I was then guilty until proven innocent, because it was assumed I had set the snares myself. The investigation and court proceedings were dominated by my word against those of the individuals in balaclavas. In court, the estate who employed me produced extensive

records showing that snares and traps had been regularly sabotaged, and it was determined by the court that I too had been the victim of sabotage. This demonstrates how unique licence numbers can be weaponised by those ideologically opposed to grouse shooting and wildlife management, and highlights the importance of making it a bespoke offence to tamper, interfere or sabotage a trap or snare.” – Quote from Gamekeeper A, Angus Glens

o 3.5.1.2. After snaring legislation had been changed, Gamekeeper B had adapted his snaring regime to be compliant with the law and invited the local Wildlife Crime Liaison Officer out to confirm all snares were being run legally. Within a certain area where snares were operated, there were regular incidents of them being stolen, tampered with, and cut so they were no longer usable, all of which were reported to the police. On one occasion all snares within the area were stolen, along with an SD card from a trail camera that would have identified the culprits. It was later concluded that the acting Wildlife Crime Liaison Officer had removed the snares with no evidence of wrongdoing and did not notify Gamekeeper B as to why. The SD card is still missing. After resetting new snares, two men were spotted within the area the snares were being operated and it was evident they had been tampering with the snares, which included the gamekeeper’s unique tag number. They had been tampered with to such an extent that they were now illegal and could cause harm to a fox if it were to be caught within one. There were multiple animal rights organisations involved in a subsequent investigation along with police, who would not disclose to the gamekeeper why he was being investigated. This caused distress to the gamekeeper, his wife, and young family. There was a second incident involving a crow cage trap – again containing a unique tag number – that had not been activated by the gamekeeper. The trap was tampered with, leading to an investigation instigated by the Scottish SPCA. Gamekeeper B does not believe the Scottish SPCA investigated the evidence impartially and it felt like he was guilty until proven innocent. Both incidents threatened his family, livelihood and home, and caused much unnecessary stress, worry and expense over an extensive period. There was enough evidence of tampering on the estate to verify the gamekeeper’s innocence, but again highlights how unique licence numbers can be manipulated. – Interview with Gamekeeper B, Perthshire

- 3.5.2. Spring traps are deployed far more extensively on estates in comparison to live capture traps for birds. This presents a considerable administrative burden for estates to manage, especially because of staff turnover.

## APPROPRIATENESS TEST

3.6. Scottish Land & Estates disagrees with the provision that enables NatureScot to grant a licence if it is satisfied it is appropriate to do so. The appropriateness test provides NatureScot with excessively broad discretion under which to frame licensing decisions which would not provide trap operators with certainty. The ability to use traps is a central component of gamekeeping and wildlife management, meaning uncertainty over the outcome of licences being granted could carry implications for employment. Moreover, the discretion afforded to NatureScot by the appropriateness test would materially weaken the right to appeal to NatureScot and the Scottish Public Services Ombudsman. It would also materially weaken the prospect of success at judicial review.

## TRIGGERS FOR MODIFICATION, SUSPENSION AND REVOCATION

3.6. Section 12D empowers NatureScot to modify a licence at any time without giving notice, even where there is no allegation or evidence of wrongdoing against the license holder. No detail is given on what modification may mean. It is instead left to the discretion of

NatureScot. This creates legal and operational uncertainty for no public benefit. Scottish Land & Estates believes any material modification should be the subject of prior notification; and/or that the modification should not take effect until the expiry of 21 days after service upon the licence holder of the proposed modification, with an appeal having to be made within 21 days of such service (mirroring the provision at section 16AB(2) relating to Section 16AA licences). Any adverse modification that is designed to penalise individual licence holders must only be triggered by robust evidence of wrongdoing in a manner that is rationally connected to the purpose of the trap licensing scheme .

3.7. Scottish Land & Estates disagrees with the relevant offences that could trigger licence revocation or suspension. The policy memorandum has not provided sufficient evidence to suggest there is a causal link between trap operators and the relevant offences. It is worth noting that the relevant offences extend far beyond trapping offences. For example, under the provisions of this Bill, a trap operator who uses a firearm for the purpose of killing hares or rabbits between the expiration of the first hour after sunset and the commencement of the last hour before sunrise could lose their licence to trap – for an offence that has no connection to trapping whatsoever. Scottish Land & Estates does not believe it is right for a civil sanction relating to trap use to be imposed on operators for offences that are unrelated to the use of traps.

3.8. Paragraph 69 of the policy memorandum states: “the relevant offences are listed in Section 12D and are considered to be offences closely linked to the misuse of traps or causing the suffering of a wild mammal.”. As noted above, many of the relevant offences under the Wild Mammals (Protection) Act 1996, section 50 and 50A the Agriculture (Scotland) Act 1948 and regulation 41 of The Conservation (Natural Habitats) Regulations 1994 are completely unrelated to the misuse of traps. The reference to “the suffering of a wild mammal” is redundant because there is absolutely no evidence to suggest that operators of wildlife traps are in any way more culpable for wild mammals suffering than other members of society. The policy memorandum is completely silent on this topic. We consider the relevant offences to be excessively broad and discriminatory, as well as disproportionate and unreasonable.

3.9. Scottish Land & Estates disagrees with the provision which states that the establishment of an official investigation into a suspected relevant offence is grounds for licence suspension, even if NatureScot is not satisfied that a relevant offence has been committed. Official investigations can easily be triggered by malicious or vexatious allegations, and this is compounded by the clear link that exists between trapping infrastructure (with unique licence numbers on display) and a trap operator. We are deeply concerned that the lack of safeguards associated with this provision would expose trap operators to risk of licence suspension on fictitious grounds. All of the above is further compounded by the excessively broad and discriminatory relevant offences, which could see official investigations being launched in relation to crimes that have no relevance to the use of wildlife traps.

3.10. The cumulative consequence of this proposed licensing system is unchecked internal inconsistency. Under the scheme, licences will be able to be refused at the point of application for reasons that could not result in licence revocation or suspension – such is the broadness of the appropriateness test. This is a systematic failure that will, in effect, create a two-tiered licensing scheme.

3.11. NatureScot should not act as prosecutor and judge in relation to its own licensing decisions. Scottish Land & Estates believes there should be a right to appeal against licence refusal, modification, suspension or revocation to an independent court of law on the merits. The appeal provisions at Section 16AB in relation to grouse shoot licensing should be

mirrored subject to the implementation of improvements that address the concerns we raise in relation to Section 16AB in response to Question 5.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

THE POLICY OBJECTIVE

4.1 The declared purpose of the additional regulation introduced by the Bill (Section 16AA licensing) at paragraph 106 of the Bill's Policy Memorandum is to "to address the on-going issue of wildlife crime, and in particular the persecution of raptors, on managed grouse moors. It will do this by enabling a licence to be modified, suspended or revoked, where there is robust evidence of raptor persecution, or another relevant wildlife crime related to grouse moor management". The Scottish Government's October 2022 consultation paper was clear about the meaning of "raptor persecution", explaining at page 7: "Birds of prey are also known as raptors and criminal activity against them is called raptor persecution."

4.2 The use of the phrase "ongoing issue" misleadingly suggests that this Bill is underpinned by evidence that raptor persecution and other so-called "related" wildlife crimes are frequently being committed on Scotland's grouse moors. That is not the case.

"OTHER RELATED WILDLIFE CRIME"

4.3 The ordinary meaning of the word 'related' is that there exists a connection between two things, yet the none of the so-called other related crimes (defined in section 7 of the Bill as "relevant offences") have any connection to raptor persecution or indeed grouse moor management. The list currently includes:

- 4.3.1. Offences under Part 1 of the Wildlife and Countryside Act 1981 (the 1981 Act). This encompasses a wide range of offences, many of which have no connection to raptor persecution or the management of land for red grouse.
- 4.3.2. The Protection of Badgers Act 1992. This Act does what its title suggests. There is no link between offences under this Act and raptor persecution or the management of land for red grouse.
- 4.3.3. Part 3 of the Conservation (Natural Habitats etc.) Regulations 1994 (SI 1994 No. 2716). These provisions protect various protected wild animals and plants and encompasses a wide range of offences, many of which have no connection to raptor persecution or the management of land for red grouse.
- 4.3.4. Section 1 of the Wild Mammals (Protection) Act 1996. This provision protects mammals that are not a "protected animal" within the meaning of the Animal Welfare Act 2006 from cruelty and unnecessary suffering. It is striking that offences against mammals have been included given paragraph 82 of the Bill's Policy Memorandum (which discusses the scope of trap licensing to be introduced by the Bill) says the Scottish Government

assessed “that it is neither practicable nor reasonable to require those undertaking any live capture of mammals to require registration and training, as the activity does not pose a risk to raptors, and in the majority, such activities have no link to grouse moor management”. This internal inconsistency is demonstrative of the true policy aim, which is to introduce an additional deterrent against crimes that cause harm to raptors.

- 4.3.5. The Hunting with Dogs (Scotland) Act 2023. This Act received Royal Assent on 7 March 2023 and the only provisions currently in force simply enable Ministers to make regulations, meaning no person in Scotland has committed an offence under that Act. There is patently no evidential basis for linking crimes under this Act to grouse moor management let alone raptor persecution.

4.4. The Policy Memorandum offers no evidence that these offences are particularly common on grouse moors nor that many of these offences impact upon raptors. Indeed, it is illogical to draw a connection between them and irrational (in the legal sense) to define relevant offences in such a broad way. If any additional regulation is to be introduced, the definition of relevant offences should be focussed on criminal activities that, in the Scottish Government’s own words, “pose a risk to raptors”.

#### RAPTOR PERSECUTION IN 2023

4.5. Scottish Land & Estates accepts that there have in recent years been a small number of troubling, isolated incidents of raptor persecution (and that such incidents were, deplorably, more common in decades past). However, there is no evidence of a current or “ongoing” raptor persecution problem that is widespread across or indeed exclusive to the grouse shooting sector.

4.6. Since the turn of the century there has been a significant cultural shift on Scotland’s grouse moors and a professionalisation of gamekeeping through increased education. Paragraph 131 of the Policy Memorandum states that “Since 2007, the Scottish Government has undertaken a range of measures to tackle wildlife crime.”

4.7. The introduction of vicarious liability in 2011 was significant. It changed the law to provide that landowners, sporting tenants, factors, agents, and indeed anyone exercising managerial responsibility on an area of ground where the control of wild birds takes place, can be prosecuted for an offence carried out by a member of their staff under the 1981 Act, which now places positive obligations on everyone connected to the estate and no party who has any responsibility for employees, direct or indirect, can ‘opt out’ of their responsibilities by delegation or otherwise.

4.8. The introduction of general licensing in 2014 also had significant ramifications for the sector, as it means NatureScot now have the ability to restrict the use of general licences where they have “good reasons to believe” that crimes against wild birds have taken place. Importantly, the withdrawal of the use of a general licence can not only be made against an individual but can also be made in relation to an area of land, meaning NatureScot can restrict licences over an area of land without identifying or proving a connection between the perpetrator and the alleged crime in question. This tough civil sanction has material management implications for the operation of a grouse moor, which can result in significant economic loss and reputational damage. It also risks biodiversity loss. The absence of a right to challenge the general licence restriction in court on the merits of the decision is a failure in the design of the system that has led to an erosion of trust in the regulator.

4.9. In addition, in 2020, The Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 materially increased the maximum penalty for serious wildlife crimes, including raptor persecution, to five years imprisonment (up from a maximum sentence of six months) and unlimited fines (up from a maximum fine of £5,000). These changes came into force after the Werritty Report was published and represent a new and meaningful deterrent against wildlife crime for everyone who is involved in land management that has not yet been given an opportunity to be included in Scotland's national wildlife crime statistics (which as noted below, are subject to a two-year time lag). It is simply inaccurate to say, as the Final BRIA for the Bill states at page 12:

“By not taking forward the provisions in the Bill to further regulate grouse moor management and the use of wildlife traps, the issue of wildlife crime will remain unaddressed, having a negative impact on the populations of raptor species, and the welfare of wild animals.”

4.10. The Bill's Policy Memorandum goes on to state at paragraph 132 that the Scottish Government has concluded that the “fact that raptor persecution continues in spite of all the measures we have already taken suggests that, while regulation from within the grouse shooting industry can be an important factor, self-regulation alone will not be enough to end the illegal killing of raptors and further government intervention is now required”. It is unclear on what basis the Scottish Government is able to conclude that “further regulation is now required”. There is no current evidential basis for this assertion in the Policy Memorandum or elsewhere. The Scottish Government has not, for example, conducted any raptor monitoring on or near grouse moors as (as recommended by the Werritty Review 5 years ago) nor has it ever produced any reporting on rates of raptor crime on or near grouse moors. The current, grouse moor specific evidence needed to underpin additional regulation of this magnitude simply does not exist.

4.11. The Scottish Government's annual 'Wildlife Crime in Scotland' reports are the most authoritative and reliable wildlife crime statistics available. They are subject to a two-year time lag and do not specify whether raptor crime is linked to a specific land use. The latest report, published in April 2023, confirms Police Scotland recorded 11 “raptor persecution” offences across Scotland in 2020-21. As with every other form of crime, these offences were not exclusively committed by one type of person with a single motivation. Scottish Land & Estates understands from its involvement with the Partnership Against Wildlife Crime in Scotland that there were no raptor related incidents on or near grouse moors in 2022.

4.12. In the absence of up-to-date data that speaks to the scale of the perceived problem on grouse moors, it is impossible for legislators and the public to scrutinise the necessity or proportionality of additional regulation in an informed way. Too often, publicity generated by campaigning organisations has been used instead of hard evidence leading to confusion as to the nature and scale of the perceived problem. References to “media attention” are not a substitute for proper research and data.

4.13. Turning to pages 15 and 16 of the Bill's Policy Memorandum, it appears that the Scottish Government's main source of evidence in 2023 is the Whitfield and Fielding Report published in 2017 and the Werritty Review published in 2019. This is wholly inappropriate for the reasons set out in paragraphs 45 to 56 of our response to the consultation. The general conclusion offered at Paragraph 91 of the Bill's Policy Memorandum is that the Whitfield and Fielding Report “found that around a third of satellite-tagged golden eagles in Scotland disappeared in suspicious circumstances, on or around grouse moors.” That is misleading in that it suggests (a) the birds were killed (a fact that the report does not establish); (b) that the killing occurred on or around grouse moors (a fact that the report does not establish); and (c) that the so-called ‘suspicious’ activity is widespread across Scotland's grouse moors (again,

a fact that the report does not establish). More accurately, the report found that over the 12-year period of the study from 2004 to 2016, around 41 of the 131 tags stopped working without any prior defect having been detected. That does not mean the birds were killed or disappeared. Indeed, at its highest, the report found that any association between tag-failures and grouse moors “would seem to be a localised issue and not ‘systematic.’ Some grouse moors seemed to have a lot of activity but no birds meeting a suspicious fate” (paragraph 8.4.3 of page 78). This context is not obvious from the Policy Memorandum, which is regrettable. It is also notable that the report was not peer reviewed, and that its findings relate to data that is now 8 to 19 years old. The Scottish Government’s selective reliance on the findings of the Werritty Report (now 5 years old) is also regrettable for the reasons set out in paragraphs 52 to 56 of our response to the consultation. These reports provide an inadequate and out of date basis for developing regulation that will interfere with fundamental rights.

## THE IMPACT OF ADDITIONAL REGULATION

4.14. The introduction of additional regulation for the management of land to be used to shoot red grouse will have significant impacts not only on owners and occupiers of that land but also for their employees, local communities and our country as a whole. Grouse shooting has significant value in social, environmental and economic terms, and grouse itself is a valuable and nutritious food source. If additional regulation is to be introduced, it is vital that it strikes the right balance.

4.15. The Final Business and Regulatory Impact Assessment (“BRIA”) produced in support of this Bill is wholly inadequate, so much so that Scottish Land & Estates is preparing a separate response to the BRIA and business and regulatory impact of the Bill more generally which will be submitted to the committee for consideration at Stage 1. We offer high level commentary below.

4.16. The BRIA does not reflect the nature or magnitude of the restrictions being introduced. At pages 18-19 it states “There will be an impact on individuals and businesses who do not comply with the conditions of the licence, or where there is robust evidence that the licence holder or a person involved in managing the land to which the licence relates has committed a relevant wildlife crime related to grouse moor management such as raptor persecution, the unlicensed killing of a wild mammal, or the unlawful use of a trap. In such cases, NatureScot can suspend or revoke a licence, prohibiting the any taking of red grouse on that land.” That is factually incorrect. As we explain in response to Question 5, licences to shoot grouse can be suspended or revoked for alleged offences that are unrelated to grouse moor management (Section 16AA8(b)(ii) or alleged conduct that is not criminal (Section 16AA8(b)(i), and can even be suspended where there is no evidence of an alleged offence (Section 16AA(b)(c).

4.17. In terms of magnitude, the Bill introduces three entirely new licensing schemes intended to regulate important aspects of land management and affecting existing rights that provide commercial income and employment opportunities and support a long-established way of life in some rural areas. It appears that Ministers have failed to make any real assessment of what costs might be borne by owners and occupiers of land, as well as others who rely on the land to make a living. Despite that, it appears that none of the affected businesses or individuals were consulted. This is confirmed at page 16 of the BRIA: “The intention is not to interview individual businesses, as the proposed changes will minimally affect businesses that respect wild animal welfare and the associated legislation.” Against this background, it is inexplicable that section 19(b) of the BRIA states that the “business impact has been assessed with the support of businesses in Scotland”. This simplistic



assessment of the impact of legislation that interferes with fundamental rights is deeply concerning.

4.18. The Bill's Financial Memorandum contains at paragraph 59 the laconic line: "Individuals and businesses may apply for a licence if they meet the specified criteria, to continue to be able to take grouse, use wildlife traps and make muirburn without cost." In following paragraphs it is stated that the administration costs of determining an application will not initially be passed on to the applicant; but it is clear from the Policy Memorandum and the Bill that licence fees are likely to be introduced. At paragraph 66, the Policy Memorandum states: "The full impact and costs to individuals and businesses arising to [sic.] from any future changes to how licences are funded or administered will be considered as part of the review process. Where required, further impact assessments will be undertaken by the relevant authorities, which will set out in detail the anticipated impact and costs of any changes arising from the review."

4.19. What is missing from the Financial Memorandum and the BRIA is any real attempt to obtain, analyse and discuss the role that grouse moors play in the rural economy; the costs of preparing licence applications in light of future regulations and guidance; the financial impact on individuals and estates of losing the right to take red grouse, and the vulnerability of owner and occupiers to vexatious reports or interference; the risks posed by poorly drafted legislation (which we identify in response to Question 5) and the potential costs of compliance with licence conditions and the code of practice, of appeals against unjustified decisions. The BRIA and Financial Memorandum make no real attempt to measure the costs of applying for and complying with a licence, protecting estates against vexatious interference or unfounded investigations, and of appealing against unjustified suspensions or revocations.

4.20. Much reliance has been placed on the Scottish Government's research into the socio-economic and biodiversity impacts of grouse shooting by McMorran, Thomson and Glass, published in 2020, which produced an indicative socio-economic comparison of moorland land uses, including both walked-up and driven grouse shooting. The research was commissioned primarily to address known knowledge gaps surrounding the socio-economic and environmental characteristics of grouse shooting enterprises, but did not seek to in anyway determine the possible impacts of substantive policy changes (such as the introduction of licensing for grouse shooting). It also acknowledged the considerable complexities associated with unpicking the socio-economic and biodiversity impacts specific to driven grouse shooting.

4.21. The Scottish Government appears to accept that Scotland would lose proven goods and services if grouse shooting were so constrained that it significantly compromised the incentive by land managers to invest in the uplands to the disbenefit of people living and working in Scotland's most fragile rural economies. Perhaps even more paradoxically, prohibiting or disincentivising grouse shooting would likely result in biodiversity loss and increased carbon emissions – outcomes that are at odds with the Scottish Government's commitment to tackling those crises. That leads us to question the statement at page 6 of the BRIA that the Bill will contribute to the 'Life on land' UN Sustainable development goal "15.5 Take urgent and significant action to reduce the degradation of natural habitats, halt the loss of biodiversity and, by 2020, protect and prevent the extinction of threatened species". If the Bill is not radically improved by way of amendment, it risks having the opposite effect.

4.22. It is notable that the Werritty Group did not consider the economic impact of its recommendations being implemented. In giving evidence on this matter to the Environment,

Climate Change and Land Reform Committee, on 21 January 2020, the Group's chairman and namesake Professor Werritty stated that "Any assessment of the economic impact of recommendations on licensing is extremely problematic. We did not even attempt to go down that route." Nor has the Scottish Government it seems. Indeed, the Werritty Review is frank about the lack of good evidence about grouse shooting enterprises, despite the publication of the commissioned report "Socio-economic and diversity impacts of driven grouse moors in Scotland" (2019). Before introducing new regulation across an entire sector (and particularly a sector with great variations and operating in a vulnerable rural economy) it is vital to have a better understanding of the necessity for and potential impacts of new legislation before it is introduced.

4.23. The lack of data evidence and impact analysis underpinning the BRIA and the Bill is stark and risks unintended adverse outcomes. Adequate data enables a proper understanding of how different interests and values interact, and what the consequences of any potential legislation would likely be. It is also necessary before any adequate BRIA or Equalities Impact Assessment (EQIA) can be prepared. The content of a BRIA should be proportionate to the problem involved and the size of the proposal. The breadth of the data required to undertake that exercise properly should not be underestimated, and is likely to include at least: information about the individuals and businesses currently operating grouse moors; information about the species affected by the operation of a grouse moor, including those species that benefit by the particular managed habitats on the moorland; how those habitats are maintained, and what might happen to the moorland in the absence of management as a grouse moor (e.g. would land be left to nature, afforested etc.); the current approach to prosecution of wildlife crime; and the conservation status of all affected and potentially affected species of bird, flora and fauna.

4.24. Where there has been no proper regulatory impact assessment, legislation is more likely to have unintended consequences, and even to violate existing fundamental rights. The courts may strike down legislation where no proper regulatory impact assessment has been carried out. The absence of evidential basis and proper impact assessment will, in our view, place a question mark over the lawfulness and proportionality of the additional regulation proposed in the Bill. Such impact assessments are particularly important where a proposal will affect, and in this case very likely violate, rights protected under the ECHR. The Strasbourg Court often probes into the care with which legislatures have informed themselves about the likely impacts of new laws on those who will be affected by them.

4.25. The October 2020 consultation on the Bill was inadequate due to the lack of evidence underpinning it, meaning respondents were unable to respond in an informed way. Adequate consultation is only possible where the underlying data has been gathered and published, and can be considered by all parties with an interest in the proposal being consulted upon. It is vital to do things in the right order, and to begin by gathering reliable data. The Scottish Government failed to do so in this case.

4.26. An EQIA has been published, however it does not accurately describe the impact of the regulation proposed. This reflected in the summary of the EQIA at Paragraphs 229 to 232 of the Bill's Policy Memorandum which states "The creation of new offences relating to grouse shooting, muirburn and wildlife traps have relevance to all protected characteristics as the penalties for those offences .... will only affect those convicted of one or more of the offences set out in the Bill." That is not correct. No conviction of the offences is required for penalties to be applied under the new licensing schemes. Indeed, there is currently no need for proof to any standard that the offence for people to be affected. We say more on this in response to Question 5.

4.27. The downstream consequences of refusing, suspending or revoking an estate's licence to shoot grouse would be catastrophic. As far as we can tell, this has not properly been considered by the Scottish Government at the point of the Bill being introduced to the Scottish Parliament. For that reason and following close consultation with members, we set out some of the likely impacts of an adverse licensing decision, and urge the Scottish Government to properly consider the business and regulatory impact:

- 4.27.1. Discontinuation of investment in moorland management. It is commonplace for estates with driven grouse shooting aspirations to invest in the region of £200,000 to £750,000 per year in the management of moorland. That investment – which is spent on retained employees, equipment, consultancy, infrastructure, training and veterinary input – could be compromised.
- 4.27.2. Loss of income. Estates with a commercial sporting offering can earn between £100,000 and £400,000 per annum from sporting lets alone.
- 4.27.3. Loss of local / regional investment. Estates are heavily reliant on local businesses for maintenance of equipment (especially vehicles), outbuildings and raw materials.
- 4.27.4. Loss of tourism spend. Where commercial shooting is offered, wider spending in the rural economy is lucrative and commonplace.
- 4.27.5. Loss of rural employment. Termination of employment contracts associated with moorland management (includes gamekeepers and shepherds) and contracts with external consultants.
- 4.27.6. Rural depopulation. Termination of employment contracts with tied housing would see the forced removal of the workforce from fragile, rural communities. For those with families, there are further implications for rural schools, community groups and emergency services (particularly the SFRS and mountain rescue teams).

4.28. Given the Community Empowerment (Scotland) Act 2015 requires the Scottish Ministers and other bodies to have regard to national outcomes when exercising their statutory functions (which include the Scottish economy, businesses and jobs), it is alarming that Ministers are inviting the Parliament to introduce additional regulation without doing any assessment of the impact on national outcomes.

4.29. This approach to regulation does not serve the future of Scotland's fragile rural communities as well as several red and amber listed species that are sustained by moor management. Instead, it is certain to hinder economic activity in Scotland's fragile uplands, create disproportionate burdens for individuals, businesses and communities, and obstruct the good work the grouse shooting sector does in tackling the twin crises of biodiversity loss and climate change. This continues an unfortunate legacy set by successive administrations of apparent lack of understanding and disinterestedness when it comes to rural Scotland.

## THE LEGALITY OF ADDITIONAL REGULATION

4.30. The discussion of the impact of the Bill on human rights at paragraphs 233 to 237 of the Policy Memorandum could be described as, at best, as sketchy. Paragraph 233 simply

states “The Bill is compliant with the European Convention on Human Rights (ECHR)” without explaining how the Scottish Government has arrived at that conclusion. The protected right that is of particular importance in this context is Article 1 of the first Protocol of the ECHR which protects property rights. Other ECHR rights that may be infringed are Article 14, which protects all classes of people from discrimination (including grouse moor owners), Article 8 which protects the right to private and family life (and has particular application to the gamekeepers whose homes and way of life are tied to their employment on grouse moors) and Article 6, which guarantees the right to a fair trial.

4.31. For any such infringements of protected rights to be legally permissible, the state has the onus of proving that that the measure is ‘necessary’ in the general interest and ‘proportionate’ (meaning any interferences must not be disproportionate). This criterion not only applies to the central question of ‘should additional regulation be introduced’ but also to questions about the scope and design of the scheme, which we consider in more detail in response to Question 5.

4.32. For the reasons outlined above, we do not consider the interference with rights introduced by this Bill to be necessary. Turning to proportionality, the first question is whether the objective the Scottish Government seeks to achieve, referred to in ECHR jurisprudence as ‘the pressing social need’, is sufficiently important to justify the limitation of a fundamental right such as the right to shoot grouse. Raptor persecution in Scotland is at a historic low, and is covered by a range of criminal offences and sanctions, which puts into question whether there is any need at all. In relation to the other so-called related wildlife crimes, the lack of any need (let alone pressing social need) to introduce additional grouse moor specific regulation to tackle those crimes is self-evident. Even if the Scottish Government can overcome that hurdle and satisfy the court that there is a pressing social need, its regulation will only be deemed proportionate (and therefore compatible with the ECHR) if meets the following criteria:

- 4.32.1. It is rationally connected to the policy aim;
- 4.32.2. It is the least intrusive means of achieving the policy aim; and
- 4.32.3. It strikes a fair balance between the rights of the individual affected and the general community.

4.33. Additional regulation that exposes grouse moor owners and operators to punitive sanctions for conduct that is already punishable by law and has nothing to do with raptor persecution (nor the management of land for red grouse) is patently not rationally connected to the declared policy aim, nor is it the least intrusive means of achieving the policy aim. The Scottish Government would be far better placed to focus its efforts the production of moorland management best practice guidance with a clear read across to the climate change plan and biodiversity strategy, while simultaneously allowing recently strengthened criminal penalties for wildlife crime to deal with a tiny minority of operators who commit raptor crime.

4.34. In terms of striking the right balance, that test is informed by the severity of the penalty imposed, the gravity of the consequences of its application and the extent to which the owner of the property is at fault or innocent. It also requires a consideration of the merits of grouse shooting (such as job creation, tourism, community, amenity and biodiversity) and the consequences of losing them. It is difficult to see how the Scottish Government has

satisfied itself that the right balance has been struck and therefore that “the Bill is compliant with the ECHR” in circumstances where it has failed to conduct an adequate BRIA.

## BETTER REGULATION

4.35. If notwithstanding these concerns, additional regulation is to be introduced, then it should be designed in a way that is consistent with the Scottish Government’s five principles of better regulation, which are that regulation should be transparent, accountable, consistent, proportionate and targeted only where needed. For the reasons outlined in Question 5, we believe the licensing scheme proposed falls short of all five of these standards. Any new licensing scheme should be risk-based, proportionate and targeted where needed.

## SUMMARY

4.36. Wildlife crime is already punishable by five years in prison and unlimited fines. These severe penalties can be imposed on landowners and managers if they fail to take all reasonable steps to prevent crime being committed by their employees and those acting on their behalf. In cases where there is insufficient evidence to secure a criminal prosecution, NatureScot can penalise landowners and occupiers – even where they have no connection to the alleged crime - by restricting general licences over the land, resulting in significant reputational damage and financial loss. These punitive deterrents are part of the current regulatory mix in which raptor persecution on grouse moors has reduced to a level that is as close to elimination as a state can reasonably hope to achieve when tackling any form of crime. Additional regulation is not needed or likely to be effective. This is at odds with the Scottish Government’s Better Regulation Agenda. The material widening of the scope to regulate crimes through licensing that do not relate to raptors or indeed have any connection to grouse moor management creates legal and operational uncertainties that will be damaging to Scotland as well as impacting on the trust and confidence of those working on and investing in our moorlands.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

5.1. The Section 16AA licensing scheme set out in Sections 6-7 of the Bill is fundamentally unworkable for all parties and, if introduced, risks causing serious and permanent damage to Scotland’s rural fragile communities, economy and environment. If a licensing scheme is to be introduced, it should be light-touch and risk-based, in line with the Scottish Government’s Better Regulation agenda.

5.2. In correspondence to Scottish Land & Estates dated 12 January 2023, the then Minister for the Environment and Land Reform, Mairi McAllan MSP, stated: “I recognise that grouse shooting provides multiple benefits for the rural economy and that many grouse moor managers already follow best practice guidance and take good care of the land that they manage.”. These public benefits stand to be jeopardised in an irreversible way if the Bill is passed in its current form.

5.3. It is vital that the committee understand that what is proposed would have a profoundly negative effect on investment in moorland management, and thus the associated jobs, communities and businesses, including the associated manufacturers, distributors and retailers. The statement at Page 18 of the BRIA that says these businesses will not be affected is unfounded and frankly untrue and demonstrative of the lack of understanding as to how the shooting sector operators. We would suggest that this is symptomatic of the Scottish Government's failure to properly analyse the impact of this Bill before its introduction.

5.4. The environment, too, stands to suffer in the most serious way: be it through the loss of red and amber listed species whose last strongholds are situated on Scotland's grouse moors; or the accumulating wildfire risk associated with a warming climate. Moorland management is delivering habitat favourability and predator management that actively supports threatened species, while tools like muirburn are actively contributing to the wildfire resilience of our landscape. The committee should be in no doubt that public benefits – funded exclusively by the private capital of Scotland's landowners – are being put at risk by this Bill.

## THE DESIGN OF THE SCHEME

5.5. We comment on the main problems with the design of the scheme below and, where possible, offer solutions designed to make it practically and legally workable, despite the gravity of our concerns about its untold impact. This is done in the spirit of continuing to constructively engage with the parliamentary process as a key stakeholder and should not be read as an acceptance that the licensing scheme proposed is either necessary or proportionate for the reasons set out in response to Question 4.

5.6. For this purpose, we have assumed that the Scottish Ministers will delegate their functions to NatureScot under section 16A(1B) and for convenience refer to the grouse moor licensing provisions in the Bill by the section numbers that will appear in the 1981 Act if the Bill is passed.

## THE MAXIMUM LICENCE PERIOD OF ONE YEAR

5.7. Section 16AA(5)(b) provides that licences can be granted for a maximum period of one year. On a practical level, that means grouse moor owners and others who rely on them to make a living (their employees, contractors and suppliers) will not know from one year to the next whether they are able to operate. This is a fundamental flaw in the scheme which contravenes the Scottish Government's own principles of Better Regulation by making jobs and businesses unviable for no obvious benefit. It also contributes to the scheme being disproportionate in ECHR terms and therefore susceptible to legal challenge by way of judicial review.

5.8. Initial consultation with members has indicated that the following impacts would likely be associated with the unviability associated with the licence duration of one year: i) discontinuation of investment in moorland management; ii) loss of overall estate income; iii) loss of local / regional investment; iv) loss of tourism spend; v) loss of rural employment; and vi) rural depopulation. Members have notified Scottish Land & Estates of the significant delays they have been experiencing in the processing of basic species licensing applications. This has a serious impact on land management practices and the business. We have been forwarded correspondence from NatureScot to a licence applicant which states: "we have been instructed to prioritize ... health and safety and preventing serious damage

licences.”. This calls into question NatureScot’s capacity to process licences every 12 months.

5.9. In our view, the rationale offered for the one-year licence period at paragraph 112 of the Bill’s Policy Memorandum is flawed and unevidenced. The fact that estates may take annual decisions about whether and for how long to open for commercial shooting does not, in our view, provide a rationale for making licences annual. Indeed, if it is implicitly being suggested that owners might decide to apply for and hold a licence for one year because they intend to open for commercial shooting, but might decide not to apply the following year if not opening, that appears to open up the possibility of an in/out approach that would contradict the intention of improving land management by committing licence holders to consistent compliance over time with a code of practice. The same point may be made in relation to suspension of a licence, and potentially to its revocation.

5.10. The Policy Memorandum also states that the approach is to license the activity of grouse shooting itself (paragraph 99). However, the licence has little or no impact on that activity per se, but rather on the management of the land on which it takes place. The land itself is permanent and its ownership changes rarely. It is not clear what rationale connects a short duration licence with the long-term management of land. There is no obvious aim being pursued by an annual grant, where the concerns are long-term. The Policy Memorandum seeks to draw a parallel at paragraph 114 with general licences to take birds granted by NatureScot under section 16 of the 1981 Act. However, general licensing is conceptually and legally different from grouse shoot licensing. General licences give land managers permission to kill certain wild birds in a manner that would otherwise be illegal for prescribed purposes (e.g. to shoot carron crow to protect livestock) (see section 2(1) & (1A) of the 1981 Act). It is not a licence that underpins land use, rather it is an essential land management tool that supports the land use (grouse shooting, farming, crofting). Unlike grouse shooting, the use of a general licence does not require substantial long-term capital investment. Rather, its deployment is part of the long-term investment into the management of land for grouse.

5.11. Annual applications, grants or renewals will merely add to the costs of the scheme and to the administrative burden for both landowner/occupier and NatureScot, without any evident benefit. Given the likely adoption of a fee regime, annual grants would entail costs for landowners that would, on the basis of the information in the Policy Memorandum, have no obvious purpose in support of the aims of the scheme. Moreover, appeals to the sheriff (and potentially beyond) could take up to a year or even longer, meaning the right to appeal at Section 16AB is of little value.

5.12. The proposed one-year duration disproportionately burdens rightsholders (leading to delay and uncertainty that could adversely impact investment and result in job losses) in exchange for no public benefit. The justification at page 12 of the consultation is irrational. Shooting is a seasonal activity but the significant financial investment that goes into it is not seasonal: the employment of gamekeepers and management of moorland to promote biodiversity requires long-term focus and investment. For these reasons, the Bill should be amended to provide that licences should remain valid indefinitely unless ownership of the sporting rights changes, or until the licence is suspended: like a driving licence . If NatureScot considers that it needs a degree of regulatory oversight on an annual basis, then it could be a condition to of the licence to provide certain information (e.g. submit an online form declaring there has been no change of ownership or control; that the licence holder has not been convicted of a relevant offence and/or that the licence holder has read and understood the latest version of the Code of Practice).

## THE LICENCE APPLICATION

5.13. Section 16AA(1) provides that “The relevant authority may...grant a licence... if it is satisfied that it is appropriate to do so”. In practical terms, that could mean applications need to be determined by NatureScot based on their discretionary assessment of “appropriateness” on an annual basis. That is problematic in four key respects.

5.14. First, “appropriate” is not defined in the Bill. The only guidance given is that NatureScot “shall have regard to compliance with the Code of Practice” however that is not the only factor it can take into account. The Code of Practice (which is yet to be developed) will include best practice guidance on matters that have nothing to do with the policy objective of tackling raptor persecution. It is also concerning that NatureScot’s assessment of “appropriateness” is not confined to an identifiable and relevant individual (i.e. the applicant or land manager). In practice, that means it could be tantamount to the “loss of trust and confidence” test NatureScot use to restrict general licences – a test that the Scottish Government and NatureScot officials have long accepted would be wholly inadequate and inappropriate in the grouse licensing context due to the gravity of the consequences of an adverse grouse licensing decision. This creates a huge degree of legal and operational uncertainty for applicants, a problem that is compounded by the proposed annual licence period.

5.15. Second, it creates a two-tiered approach to decision-making in which licence applications could be refused on lower grounds than they can be suspended or revoked. That is illogical. The effects of a licence refusal, suspension or revocation are the same: the land cannot operate as a grouse moor, meaning the rightsholder will suffer substantial losses in terms of capital and income, quality rural jobs (and the accommodation tied to them) will become redundant, rural economies will suffer and so too will the privately funded land management that benefits red and amber listed species and mitigates wildfire risk. The problem is compounded by the one-year licence period proposed, in that it could create a system where rights are restricted by “the back door” in cases where NatureScot do not have sufficient evidence to justify a licence suspension or revocation, so simply wait until the annual licence expires and refuse to grant a new one on the basis of its discretionary interpretation of “appropriateness”.

5.16. Third, it does not target the regulators resources where they are most needed. NatureScot is under enormous pressure across a range of licensable functions, many of which provide a service without which land managers could not function (species licensing, for example). For that reason, it is in the interests of the regulator for the licence application to be as seamless as possible. Scottish Land & Estates has consistently maintained that licences ought to be easy to obtain, light-touch and risk based – principles that extend from the principles of better regulation. The appropriateness test associated with licence application is at odds with this.

5.17. Fourth, it risks politicising NatureScot by exposing it to years of litigation by campaigning groups who are opposed to grouse shooting. Campaigners who are ethically opposed to grouse shooting are likely to make value judgments about NatureScot’s interpretation of “appropriateness” that are not linked to the central issue underpinning the scheme, which is raptor persecution. This is likely to result in micro-regulation at the application stage, leaving little to no resource for enforcement, which is where it ought to be focussed. Micro-regulation of licences is at odds with Better Regulation principles, will likely stifle business activity and, most worryingly, distract the regulator from the nature protection and restoration projects that are at the heart of its remit and so desperately needed.



5.18. Fifth, the likely resource cost of the administering licences using the appropriateness test could result in exorbitant licence fees being charged, especially given the proposed move towards full cost recovery. Again, this problem is compounded by the requirement to renew licences annually.

5.19. It would be disproportionate for NatureScot to deprive a person of their property rights by refusing to grant a licence unless and until it can be proven that they or someone acting at their instance has committed raptor crime on the land in question. In making that assessment NatureScot should not have the power to use allegations of crime that predate the coming into force of the scheme as a basis for refusing the licence given (i) that Article 7 of the ECHR expressly prohibits retrospective imposition of heavier penalties and (ii) that there is no appeal on the merits available against a restriction on a general licence.

5.20. For all of these reasons, Scottish Land & Estates believes Section 16AA(1) should be amended to ensure the licence application is rationally connected to the policy objective of tackling raptor persecution, as well as being transparent, accountable and proportionate. Scottish Land & Estates believes this should be achieved by providing that there is one ground for refusing, suspending, or revoking a licence, and that is robust evidence of raptor crime being committed on the land by a relevant individual.

5.21. Scottish Land & Estates believes the Bill should also clarify that (i) the conduct of third parties unconnected to the grouse moor at the point of application (such as ex-employees or previous owners or tenants) and (ii) general licence restrictions that have not been founded on evidence linked to the applicant or other person currently managing the land are not in and of themselves grounds for refusing a licence. The latter point is vitally important in relation to historic general licence restrictions given there is no right to appeal general licence restrictions on the merits.

## THE EFFECT OF LICENCE SUSPENSION OR REVOCATION

5.22. Sections 16AA(8)(a),(b) and (c) of the Bill empower NatureScot to suspend or remove licences to shoot grouse in certain circumstances (described in detail below and referred to as “triggers”). The exercise of such a power would entail immediate adverse consequences both for the licence holder and for NatureScot. In the absence of a current licence, the landowner would be unable to give permission to others to lawfully kill red grouse on the land, and would not himself be able lawfully to kill grouse there. This would bring immediate and serious consequences, which could include: i) discontinuation of investment in moorland management; ii) loss of overall estate income; iii) loss of local / regional investment; iv) loss of tourism spend; v) loss of rural employment; and vi) rural depopulation. Those who had booked for shoots would require to be informed, any advance payments would likely need to be reimbursed, income would be lost and local labour (whether permanent staff or persons hired by the day) would not be employed.

5.23. There may also be consequences for wildlife if the decision is taken to discontinue investment in moorland management. The implications in the medium-long term would likely include: i) increase in meso-predator populations (including mustelids, corvids and foxes); ii) decline in ground nesting bird populations (including lapwing, curlew, golden plover, red grouse, merlin, snipe and hen harrier); and iii) increased wildfire risk.

5.24. From the perspective of NatureScot, easy suspension and revocation may bring problems because the code of practice under section 16AC is to be a code “for the purpose of providing guidance about managing land to which a section 16AA licence relates”. Thus,

once land is not subject to such a licence, the code of practice no longer applies. Given the types of issue that the code may cover (section 16AC(2)), this would not promote consistently high environmental land management.

5.25. The same consequences arise if a licence is refused.

#### TRIGGER 1 – LICENCE CONDITIONS HAVE BEEN BREACHED OR NOT COMPLIED WITH

5.26. Section 16AA(8)(b)(i) empowers NatureScot to suspend or revoke a licence if it has proof that the licence conditions have been breached or may not be complied with. The Bill does not prescribe the licence conditions but says it shall include having regard to the Code of Practice which is still to be developed. In practical terms, that means licences can be suspended or revoked even if there is no allegation or evidence of criminality. It could in theory be triggered by failure to follow guidance (not law), or by submitting information requested by the regulator late. That removes Section 16AA(8)(b)(i) from any rational connection with the declared purpose of the licensing scheme, which is focussed on criminal activity.

5.27. A more proportionate, risk-based approach would be to empower NatureScot to issue enforcement notices to licence holders who have failed to comply with licence conditions. If said enforcement notice is not complied, then it may be that suspension pending compliance would be proportionate.

#### TRIGGER 2 – PROOF TO THE CIVIL STANDARD THAT RELEVANT CRIME HAS BEEN COMMITTED

5.28. Section 16AA(8)(b)(ii) empowers NatureScot to suspend or revoke a licence if it is satisfied that the licence holder or a person involved in managing the land to which the licence relates (A) has committed a relevant offence on the land, or (B) has knowingly caused or permitted another person to do so. In practical terms, that means NatureScot alone is responsible for suspension or revocation and for making a decision on the necessary issues based on evidence.

5.29. The notion of “satisfaction” implies proof of the relevant facts, which would need to be established on a balance of probabilities. The threshold of “satisfaction” is employed to protect the licence holder from losing his licence on a mere suspicion or some unsubstantiated allegation. An unresolved doubt or suspicion is not enough. Without evidence of the facts set out in sub-paragraphs (A) or (B) permitting NatureScot to be satisfied that those facts were properly made out, suspension or revocation should not follow.

5.30. We see three problems with this trigger.

5.31. First, the definition of “relevant offences” is not rationally connected to the policy objective, as explained in detail in response to Question 4. The definition of relevant offences ought to be narrowed in scope to raptor persecution. The reference to the wide category of “relevant offences” removes the provision from any rational connection with the declared purpose of the licensing scheme in relation to raptor persecution.

5.32. Second, a “person involved in managing the land to which the licence relates” means that the actions of a person who has no involvement in the management of the land for grouse could result in the grouse shoot licence being suspended or removed. It could include, for example, a farmer or agricultural tenant who operates on the same land. The definition should be amended to ensure only relevant persons are caught within the scope of section 16AA(8)(b)(ii) and (c).

5.33. Third, there is no express limit in subsection (8)(b)(ii) to the time period within which the relevant offence must have been committed. For example, after the word “relates” there should be added the words “within the past three years” or (if the licence is for a fixed term) “during the term of the licence”.

### TRIGGER 3 – THERE IS AN INVESTIGATION INTO A RELEVANT OFFENCE BUT NO PROOF

5.34. Section 16AA(8)(b)(ii) empowers NatureScot to suspend (but not revoke) a licence where there is an official investigation or proceedings in relation to a suspected relevant offence and the suspect is the licence holder or other person managing the land even if they are not satisfied that the alleged offence has been committed by that person. That means NatureScot can suspend licences without evidence that the licence holder or other person managing the land has committed a relevant offence on the land or has knowingly caused or permitted another person to do so (not to the civil standard or the criminal standard).

5.35. For the purpose of this section, “official investigation” means “an investigation by the Police Service of Scotland or any other body that has as one of its functions reporting, for consideration of the question of prosecution, offences alleged to have been committed”. The reference to “any other body that has as one of its functions” does not limit the functions to ones that have been conferred by or under statute. It may in due course include the SSPCA.

5.36. It appears possible that an official investigation may be commenced simply by the recording of a complaint or report. For example, by someone who is ethically opposed to grouse shooting calling their local police station to falsely report an eyewitness account. Once a file has been opened, there may be no control over the pace at which the investigation proceeds. This is problematic given there is no upper time limit on suspensions, meaning rightsholders could be prevented from shooting grouse for years without any proof of culpability.

5.37. There is no obligation on NatureScot to share any information with the licence holder in advance of suspension or to notify the licence holder that it is considering such suspension, making any appeal against the decision difficult to make.

5.38. The suspension of a licence has immediate, real and practical consequences for the landowner and the land, including its monetary value, potential income and the extent to which it can financially support good land management and also employment, causing permanent and irreparable damage.

5.39. Again, the reference to the wide category of “relevant offences” removes the provision from any rational connection with the declared purpose of the licensing scheme in relation to raptor persecution.

5.40. Section 16AA(8)(b) is patently unreasonable and disproportionate and unlikely to be lawful and should be deleted from the Bill in its entirety.

## MODIFICATION

5.41. Section 16AA(8)(a) empowers NatureScot to modify licences at any time, even if there is no allegation or evidence of wrongdoing against the license holder or person managing the land. No detail is given on what modification may mean. It is instead left to the discretion of NatureScot.

5.42. In practical terms, NatureScot can modify licences without giving notice. This creates legal and operational uncertainty for no public benefit. Any material modification should be the subject of prior notification; and/or that the modification should not take effect until the expiry of 21 days after service upon the licence holder of the proposed modification, with an appeal having to be made within 21 days of such service (mirroring the provision at section 16AB(2)).

5.43. Any adverse modification that is designed to penalise individual licence holders must only be triggered by robust evidence of wrongdoing in a manner that is rationally connected to the purpose of the scheme.

## APPEALS

5.44. Section 16AB provides a right to appeal against NatureScot decisions to refuse, modify or suspend licences on the merits in the Sheriff Court. In practical terms, that means the Sheriff can step into NatureScot's shoes and remake the decision based on the facts. Appeal rights are to be welcomed, however there are at least three major problems with Section 16AB that mean it does not guarantee proper access to justice and is an appeal right in name only.

5.45. First, litigation is typically a lengthy and expensive process (a problem compounded by the post-Covid backlogs in the Sheriff Court). Grouse shooting can only occur between 12 August to 10 December each year, and as currently drafted, licences will be valid for a maximum period of one year. The committee should be aware that the majority of grouse shoot days tend to take place in the earlier part of the season (August to October), dependent on the harvestable surplus of grouse available (as dictated by grouse counting) and other game shooting interests (red-legged partridge shooting from September and pheasant shooting from October). Either way, it is reasonable to suggest that the bulk of the grouse shooting operation tends to occur earlier on in the season and not throughout. Appeals could well take in excess of a year to complete, and even if they conclude within the licensing year, may not complete in time for the new grouse shooting season. Where final determination of an appeal is not made before the new licensing year commences, there is in effect no access to justice. This problem is compounded by the discretionary appropriateness test. Even where an appellant is successful in an appeal against NatureScot:

- 5.45.1. The decision may be issued after the grouse shooting season ends.
- 5.45.2. The decision may be issued after the one-year licence period ends.

- 5.45.3. Despite the Sheriff agreeing that the suspension or revocation was wrongful, NatureScot could in its discretion simply refuse the licence the following year based on its discretionary assessment of appropriateness.

5.46. Second, the temporary restriction of property rights pending determination of an appeal will cause permanent damage. The Sheriff should have the power to order that the NatureScot's decision is of no effect pending determination of the appeal.

5.47. Third, the proposed licensing scheme does not feature an internal notice and review procedure. NatureScot should be obliged to give the licence holder an opportunity to be heard before deciding whether or not to suspend or revoke a licence. Part 1 of, and Sch. 1 to, the Civic Government (Scotland) Act 1982 covers a wide range of licensing matters including street trading, taxis and private hire cars, and short-term lets. Paragraph 11(7) of Sch. 1 provides that where the licensing authority is considering whether or not to suspend or revoke a licence it may, and before deciding to do so it shall, give an opportunity to be heard to the licence holder, any complainer, the chief constable and (where appropriate) the fire authorities. Even if such provisions were not to be included in the Bill, Article 1 Protocol 1 of the ECHR affords certain implicit procedural protections in respect of possessions. As we explain above, suspension or revocation of a grouse moor licence would have serious consequences for the business that depended on its continued currency. The proportionality of the Bill as a whole would be affected by a failure to afford the licence holder a reasonable opportunity to put its case prior to any decision by NatureScot to suspend or revoke the licence. This should include the right to see the material on the basis of which NatureScot has made such a decision.

#### THE POWER TO INTRODUCE OTHER SPECIES TO THE LICENSING SCHEME

5.48. The enabling power in section 6(3)(b) permits Ministers to add other species to the Section 16AA licensing scheme via secondary legislation. In practical terms, that means all gamebirds could be brought into the above framework, which has been specifically designed to address concerns relating to one species (red grouse) without proper parliamentary scrutiny. This proposal has been met by the wider shooting sector with shock and confusion due to its glaring lack of logic and the absence of any consultation on it prior to the publication of the Bill.

5.49. Paragraph 88 of the Policy Memorandum explains that "Red grouse are wild birds and are not 'produced' under the rear-and-release system used for lowland game birds. Grouse moors are therefore managed to raise grouse densities to a level that will yield a 'sustainable surplus' for shooting. This involves heather burning, predator control, disease management using medicated grit, and tracks for improved access." It is therefore hard to see any basis for the Scottish Government needing a broad enabling power to include lowland gamebirds (or indeed any other species) within this scheme via secondary legislation against that background. Such a provision is not rationally connected to the policy objective and is therefore legally challengeable.

5.50. Moreover, the Scottish Government does not appear to have conducted any assessment of the necessity for or impact of the introduction of this broad enabling power, which will have significant ramifications for the gamebird sector as a whole and the rural economies that rely on it. The shooting of red-legged partridge and pheasant, in particular, are the most popular types of game shooting and commonplace throughout rural Scotland. The nature of these operations vary from large commercial shoots; to more modest driven operations; to informal farm shoots, walked-up shoots; and DIY syndicate operations. It is

widely accepted that there are considerably more partridge and pheasant shooting enterprises than there are grouse enterprises.

5.51. For these reasons, Scottish Land & Estates' position is that the enabling power to add new species at Section 6(3)(b) should be amended out of the Bill. If, however, it is included in the Bill as passed, then such additions ought to be properly assessed and consulted upon before any order of this magnitude is made.

## THE DISCRIMINATORY EFFECT OF THE LICENSING SCHEME

5.52. Article 14 of the ECHR prohibits discrimination in relation to rights and freedoms protected under the ECHR, including Article 1 of the First Protocol and Article 8. The protection it affords applies widely, on any ground "such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." The group of people who use and manage their land for grouse shooting have a personal characteristic and status that falls within scope of Article 14. If the proposed licencing scheme becomes law, it will have the effect of imposing punitive civil sanctions on group of landowners and managers (those engaged in grouse moor management) that will not be imposed on other groups of landowners and managers, even if they are alleged to have engaged in identical criminal or non-criminal conduct falling within the scope of the relevant offences, Code of Practice or licence conditions. That is particularly problematic given (a) the vast majority of the activities that can trigger penalties under the scheme are neither related or exclusive to grouse moor management; and (b) the conduct in question would have the same or similar effect in terms of environmental harm. By contrast, other groups of landowners and managers may only be penalised under the criminal law, meaning sanctions may only be imposed if their guilt is proved beyond reasonable doubt. Scottish Land & Estates believes this is irrational and likely to have discriminatory effects.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

6.1. Paragraph 216 of the policy memorandum usefully summarises the current role of the Scottish SPCA in relation to the Animal Health and Welfare (Scotland) Act 2006. However, it does not reflect the full extent of the Scottish SPCA's charitable objectives – some of which centre on advocacy and education. Scottish Land & Estates wishes to clarify that the Scottish SPCA are, according to the Office of the Scottish Charity Regulator (OSCR), committed to: i) the advancement of animal welfare; and ii) the advancement of education in relation to animal welfare. The advocacy functions of the Scottish SPCA appear to have been downplayed in the policy memorandum.

6.2. Paragraph 218 of the policy memorandum sets out the rationale for the review into whether the Scottish SPCA should be given additional powers to investigate wildlife crime. It states: "the review was instructed due to a perceived gap in the ability for Scottish SPCA inspectors to adequately respond to wildlife crime.". Scottish Land & Estates notes that it

was never the intention for the Scottish SPCA to do anything other than enter and search premises under warrant, seize animals and issue animal welfare notices – powers associated with circumstances under which animals are under the direct control of a person. It is difficult to see, therefore, how “a perceived gap” has come to fruition in relation to the investigation of wildlife crime. Scottish Land & Estates is unconvinced by the rationale as defined in the policy memorandum, as it appears clear to us that it was never the intention for the Scottish SPCA to proactively investigate incidents of wildlife crime. The perceived gap does not therefore exist.

6.3. Scottish Land & Estates disagrees with the principle of affording charities statutory powers to investigate any crime. We are concerned that the assignation of statutory powers to the Scottish SPCA has set a dangerous precedent which could see the Scottish SPCA’s powers extended (as is being considered here), or indeed other charities with investigative arms being afforded similar powers. While the Scottish SPCA’s charitable activities are regulated by the OSCR, there appears to be a deficit of oversight of its statutory powers under the Animal Health and Welfare (Scotland) Act 2006. The police, by comparison, are subject to the oversight of the Scottish Police Authority. This lack of accountability is a matter of major concern to Scottish Land & Estates members, and as such we oppose any extension of statutory powers. It is a matter of particular concern given the proposal in section 16AA(8)(c) that would permit NatureScot to suspend a licence if an “official investigation” was under way.

6.4. Scottish Land & Estates disagrees with the proposal to afford the Scottish SPCA powers to investigate wildlife crime because charity staff are not vetted, nor trained, to the same standard as police officers. We are concerned, therefore, that investigation of wildlife crime by the Scottish SPCA could be compromised by bias or a deficit of expertise and knowledge.

6.5. Scottish Land & Estates further disagrees with the proposal because of the Scottish SPCA’s advocacy work. For example, the charity has been found to campaign in favour of a ban on legal tools for wildlife management, such as snares. This advocacy work – which appears to include regulated lobbying activity as defined by the Lobbying (Scotland) Act 2016 – has given rise to tangible concern from wildlife management practitioners that investigations could be tainted by bias. Consultation with members of Scottish Land & Estates and Scotland’s Regional Moorland Groups has revealed an erosion of trust and confidence in the Scottish SPCA as a direct result of this advocacy work.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

THE POLICY OBJECTIVE

7.1. The rationale for imposing additional regulation on muirburn is set out in paragraphs 152 to 161 of the policy memorandum. Scottish Land & Estates accepts that there has been a deficit of consensus from the scientific community on the impacts of muirburn. However, it is also true to say that a majority of scientific studies have been limited by site-specific conditions and not taking into account the effects of muirburn over conventional management cycles (usually between 10-25 years). It is our view, therefore, that a majority

of studies into the practice have not properly explored the extent of muirburn's impact across a range of peatland characteristics.

7.2. Scottish Land & Estates is a science-led organisation. It is our assessment that the best available research on which to frame policy decisions on muirburn comes from Peatland ES-UK – a study being carried out by the University of York and funded by Natural England and DEFRA. The study uses a before-after-control-impact (BACI) methodology, which helps researchers to understand baseline conditions before treatment and monitoring takes place. This – coupled with the long-term duration of the study (it is currently at year 10 of 20) – provides the best findings on which to form policy decisions and legislate.

## LACK OF SUPPORTING EVIDENCE

7.3. With this in mind, there are several statements made between paragraphs 152 and 161 of the policy memorandum that Scottish Land & Estates does not agree with. These are summarised below:

- 7.3.1. Paragraph 152 states: “if it [muirburn] is undertaken without due consideration of all the possible consequences, it undoubtedly has the potential to have a serious negative impact on wildlife and the wider environment.”. These impacts are not referenced nor substantiated.
- 7.3.2. Paragraph 154 makes reference to supplementary guidance to the muirburn code, including: “peatland can be damaged easily by incorrect management”. It is widely recognised that the muirburn code is out of date and there is no definition provided for “incorrect management”. It is therefore impossible to determine the accuracy of this statement.
- 7.3.3. Paragraph 155 makes reference to the Werritty review and asserts that it highlighted “strong evidence that muirburn can have a detrimental effect on biodiversity, hydrology and soil”. The negative impacts in relation to hydrology and soil have now largely been refuted by Peatland ES-UK.
- 7.3.4. Paragraph 155 references a statement from the Werritty report: “muirburn can have both positive and negative effects on carbon storage, both directly, by affecting carbon contents of soil and vegetation, and indirectly, by affecting carbon storage potential through the changes in plant community composition after fire.”. This statement has been superseded by the findings of Peatland ES-UK which suggest muirburn reduces the extent of evapotranspiration through biomass reduction. This has beneficial effects on the water table, with knock-on net-gains for carbon sequestration and storage.
- 7.3.5. Paragraph 157 references a statement from the Deer Working Group Report: “The environmental costs of these fires in upland environments is at odds with the Scottish Government’s healthy ecosystem approach and its measures to mitigate climate change.” These perceived “environmental costs” are not referenced nor quantified.
- 7.3.6. Paragraph 158 references a statement from a Committee for Climate Change (CCC) Report on Land Use: “Ban rotational burning in the UK in 2020. This includes burning for grouse shooting.”. We note that the CCC report on progress in reducing emissions in Scotland 2022 contains a different proposal relating to peatland only, highlighting internal inconsistency in the CCC position. It is also important to note that the CCC is undertaking a



review of its position on the back of new research into the role of muirburn in mitigating wildfire risk as well as Peatland ES-UK.

- 7.3.7. Paragraph 160 outlines the perceived risks associated with muirburn contained within the 2022 NatureScot review. Scottish Land & Estates does not recognise the risks in relation to net carbon emissions or the capacity for peat to store carbon, as these have stemmed from scientific studies which have not adequately considered site-specific conditions, nor the extent of muirburn management cycles. They are also at odds with the findings of Peatland ES-UK on which the Scottish Land & Estates position is predicated.

- 7.3.8. Paragraph 161 asserts that: “the evidence around the role of muirburn as a tool to reduce the risk of wildfires is weak.”. While we accept that there is a deficit of research into the topic specifically, there is a plethora of international evidence which demonstrates just how beneficial controlled burning can be in reducing or mitigating the risk of wildfire. In addition, it is well documented that muirburn does influence the structure of fuel load – a key determinant of wildfire intensity. To that end, it is not difficult to see why the 2022 NatureScot review of muirburn concluded the following: “insofar as muirburn does influence fuel structure, this indicates a plausible mechanism through which muirburn may influence the intensity of wildfires.”

## CONCLUSION

7.4. Overall, Scottish Land & Estates does not believe the Scottish Government has presented adequate evidence to support imposing additional regulation on muirburn. The evidence base in the policy memorandum is in and of itself confused by studies that have not adequately considered site-specific conditions, nor the implications of muirburn over complete management cycles. We believe that only those studies which have addressed these systematic issues through BACI methodology should be used to inform policy decisions, such as Peatland ES-UK. The lack of coherence in the policy memorandum has, in our view, manifested in a largely inaccurate assessment of risk, which in turn has informed the intent to pursue a precautionary approach rooted in regulation.

7.5. Scottish Land & Estates believes that the provision of compulsory training in isolation is the only measure supported by the evidence, alongside a complete overhaul of the muirburn code that would make it permissible for muirburn to be undertaken on all peatland irrespective of the depth of peat.

### **Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

### **Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

8.1. Scottish Land & Estates does not believe that the Scottish Government has presented sufficient evidence to impose the additional regulation on muirburn contained within this Bill. If year-round muirburn licencing is to be introduced notwithstanding our concerns, then there should be one type of licence. This is supported by the latest science which suggests that muirburn delivers tangible benefits to peatland habitats, irrespective of the depth of peat. Our commentary below on the merits and demerits of the proposed licensing system should not imply that we accept the need for licensing in any way, and are particularly opposed to a

two-tiered system of peatland and non-peatland licencing which is likely to overburden applicants and NatureScot for no public benefit. Instead, it risks constraining muirburn on peatland which, in the long-term, would have negative implications for the peatland carbon balance and water table, as well as wildfire risk.

8.2. Paragraph 164 of the policy memorandum outlines the purpose of the licensing scheme. It states: “the purpose of the licensing scheme is to ensure that muirburn is being undertaken in an environmentally sustainable manner, with due consideration of all the possible consequences.”. Scottish Land & Estates has already outlined our reservations about scientific studies which do not properly consider baseline conditions of study sites and the implications of muirburn over complete management cycles. Given that a majority of scientific studies suggesting muirburn is being undertaken in an “environmentally [un]sustainable manner” are constrained by these limitations, we do not accept the premise of the licensing scheme.

## DEFINING AND IDENTIFYING PEATLAND

8.3. In our view, the policy memorandum is deficient on the rationale for its revised definition of peatland (“land where the soil has a layer of peat with a thickness of more than 40 centimetres”). The only attempt to justify the proposal is set out in paragraph 202 of the policy memorandum. It states: “This definition was selected as 40cm so that it may protect areas of peatland associated with shallower peat. It was therefore felt that this definition was in line with the precautionary principle.”. The confusion and inconsistency in the Scottish Government’s position here is astonishing. The entire regulatory proposal is predicated upon restricting the utility and extent of muirburn on peat deeper than 40cm. Yet, in this statement, the Scottish Government appear to suggest that the aim is to “protect areas of peatland associated with shallower peat”. Scottish Land & Estates is extremely concerned about this internal inconsistency.

8.4. Scottish Land & Estates disagrees with the proposal that land managers should have to determine whether the land (not defined) is peatland or not peatland as part of the licence application. We do not believe it would be possible to determine with exact certainty where the land is peatland or non-peatland, and as such it would be permissible - and likely - that licence applicants could inadvertently commit an offence. The lack of legal certainty provided by the proposal is a cause for great concern.

8.5. Paragraph 202 of the policy memorandum outlines how the Scottish Government would intend for peatland to be identified. It states: “It is important to note that national survey data for peat measured at 40cm does not exist as currently all areas with a peat depth less than 50cm are labelled peaty soils. This means that assessment of peat at this threshold will be reliant on surveys undertaken by land managers and licence applicators. These would require only simple equipment such as a peat probe, and no specialist skill or knowledge.”. Scottish Land & Estates would make the following points in response.

- 8.5.1. The lack of granular survey data for peat measured at 40cm is extremely concerning and adds to the deficit of certainty facing licence applicants under the terms of these proposals. It is the view of Scottish Land & Estates that survey data should have to be acquired and mapped before the proposals are implemented. If those data already exist at the 50cm threshold, the Scottish Government should give consideration to defining peat as ‘a layer of peat with a thickness of more than 50 centimetres.’

- 8.5.2. Scottish Land & Estates is concerned by the apathetic sentiments relating to the requirement for land managers to undertake peat-depth surveys of their own. The Scottish Government misrepresent the practicalities associated with such surveys, and we would refer the committee to the 2022 NatureScot review of muirburn which stated: “There is however a constraint with this method [use of a peat probe] in terms of the time required to carry out a survey, which will depend on the scale involved and the level of detail required.” Scale – particularly for large landholdings – is a foremost concern for Scottish Land & Estates, and we do not consider it practical nor possible to determine peat depth on large estates.

8.6. Scottish Land & Estates notes that the new muirburn code – to be created by Scottish Ministers as per section 14 of the Bill – “may” include provision as to how the thickness of a layer of peat is to be determined. Such is the uncertainty over how land managers are supposed to accurately determine peat depth, it is the view of Scottish Land & Estates that provision must be made to address this point in the Bill itself. The notion that this information could be provided as and when the new code is developed without the scrutiny of parliament is a cause for great concern. Moreover, the word “may” indicates that such clarity not actually be provided at all.

## APPROPRIATENESS TEST

8.7. Scottish Land & Estates disagrees with the provision that enables NatureScot to grant a licence if it is satisfied it is appropriate to do so. The appropriateness test provides NatureScot with excessively broad discretion under which to frame licensing decisions which would not provide land managers with certainty. Moreover, the discretion afforded to NatureScot by the appropriateness test would materially weaken the right to appeal to NatureScot and the Scottish Public Services Ombudsman. It would also materially weaken the prospect of success at judicial review. Scottish Land & Estates has identified three key issues:

- 8.7.1. The absence of any definition of “appropriate” in the Bill is not defined with reference to the behaviour of an identifiable and relevant individual (i.e. the applicant). The only inference made is that decisions will be made with regard to the (unwritten) muirburn code. This creates uncertainty for applicants, a problem compounded by the expectation that a majority of muirburn licences will be granted for a maximum period of one year.

- 8.7.2. The proposal creates a two-tiered approach to decision-making that is illogical and risks inconsistency in decision-making on the basis that licences could potentially be refused on lower grounds than they can be suspended or revoked (per the commentary below), again a problem compounded by the expected maximum licence period of one-year for most applicants.

- 8.7.3. The proposal does not target the regulators resources where needed. Moreover, the likely resource cost of the administering licences using the appropriateness test could result in exorbitant license fees being charged, especially given the proposed move towards full cost recovery. This problem is compounded by the requirement to renew licences annually.

8.8. Scottish Land & Estates believes there should be one ground for refusing, suspending, or revoking a licence, and that is robust evidence of a crime in relation to muirburn being committed on the land by a relevant individual. However, it is also our belief that licensing the landholding in the context of muirburn is not something that is compatible with the

Scottish Government's climate change plan and biodiversity strategy to 2045. The Peatland ES-UK study suggests that the ultimate consequence of licence refusal, revocation or suspension – namely leaving vegetation unmanaged or, in limited circumstances, relying on cutting – delivers materially worse outcomes with respect to the carbon balance, wildfire risk, wetness, methane reduction, bog vegetation diversity and heather nutrient content. These outcomes would be at odds with the climate change plan and biodiversity strategy, not to mention the Scottish Fire and Rescue Service's wildfire operational guidance. It therefore continues to be our view that practitioners should be the licenced persons in the context of muirburn, thereby providing a regulatory framework that will enable muirburn to continue to take place using fit and proper persons.

## LICENSABLE PURPOSES

8.9. The licensable purposes for obtaining muirburn licences on non-peatland and peatland habitats are hampered by internal inconsistency.

- 8.9.1. There is no licensable purpose to “reduce the risk of wildfires causing damage to habitats” on non-peatland habitats, but there is for peatland habitats. The inferences that can be drawn from this are two-fold: either the Scottish Government does not consider non-peatland habitats in the uplands to be as at-risk of wildfire compared to peatland habitats; or it does not consider non-peatland habitats to be valuable enough to warrant the reduction of wildfire risk being a licensable purpose. Either way, Scottish Land & Estates would argue that the wildfire risk in the Scottish uplands does not differentiate between peatland and non-peatland, and that non-peatland habitats (especially those that have peat-depths of between 0-40cm) are equally valuable and vulnerable.

- 8.9.2. There is no licensable purpose for “conserving, restoring, enhancing or managing the natural environment” on peatland habitats, but there is for non-peatland habitats. The licensable purpose on peatland habitats is confined to “restoring the natural environment”, which infers that the Scottish Government does not see the value of employing muirburn to conserve, enhance or manage peatland habitats in the same way as non-peatland habitats. Scottish Land & Estates believe the words “conserving”, “enhancing” and “managing” should be added to the licensable purpose, which is supported by the Peatland ES-UK study findings. For example, muirburn conserves peatland by supporting active bog vegetation; muirburn enhances peatland by promoting carbon absorption and wetness; and muirburn manages the natural environment through fuel load management.

- 8.9.3. There is no licensable purpose for woodland regeneration on non-peatland habitats, despite a wealth of scientific evidence suggesting muirburn can encourage regeneration of native trees on the peripheries of moorland.

## PRESUMPTION AGAINST MUIRBURN

8.10. The policy memorandum fails to address a provision of the Bill which Scottish Land & Estates considers to be fatally flawed. For peatland muirburn licences, there is a presumption against muirburn which states: “... Scottish Ministers may grant a licence ... where the land relates to peatland [if] they are satisfied that no other method of control is available.” This is tantamount to making muirburn a tool of last resort and prioritising other methods of control (principally cutting using a flail mower). Scottish Land & Estates believe this provision must be removed in its entirety, and we illustrate our rationale with a simple case study – see below.

- 8.10.1 A landowner applies for a muirburn licence to prevent or reduce the risk of wildfire on peatland. NatureScot refuse the licence on the basis that the landowner has not satisfied them that no other method of vegetation control is available. Accordingly, the landowner is forced to cut vegetation to try and manage the increasing fuel load. The cutting process leaves brash behind. The following summer, a hot day causes the brash – described as being “ideal tinder for ignition and smouldering” by the Peatland ES-UK study – to catch fire. A major wildfire incident occurs, burning into the peat and releasing vast quantities of stored carbon.

8.11. Scottish Land & Estates believes this provision has the potential to cause untold damage to peatland habitats. Muirburn is widely recognised as being the most effective tool for preventing and reducing the risk of wildfire – the presumption against it in this Bill can only be described as nonsensical.

## LICENCE SUSPENSION

8.12. NatureScot are empowered to suspend (but not revoke) a licence where there is an official investigation or proceedings in relation to a suspected relevant offence and the suspect is the licence holder or other person managing the land – even if they are not satisfied that the alleged offence has been committed by that person. That means NatureScot can suspend licences without evidence that the licence holder or other person managing the land has committed a relevant offence on the land or has knowingly caused or permitted another person to do so (not to the civil standard or the criminal standard).

8.13. For the purpose of this section, “official investigation” means “an investigation by the Police Service of Scotland or any other body that has as one of its functions reporting, for consideration of the question of prosecution, offences alleged to have been committed”.

8.14. It appears possible that an official investigation may be commenced simply by the recording of a complaint or report. For example, by someone who is ideologically opposed to muirburn calling their local police station to falsely report an eyewitness account. Once a file has been opened, there may be no control over the pace at which the investigation proceeds. This is problematic given there is no upper time limit on suspensions, meaning rightsholders could be prevented from making muirburn for years without any proof of culpability.

8.15. There is no obligation on NatureScot to share any information with the licence holder in advance of suspension or to notify the licence holder that it is considering such suspension, making any appeal against the decision difficult to make.

8.16. The suspension of a licence has immediate, real and practical consequences for the landowner and the land, including in relation to wildfire risk, habitat favourability and the extent to which muirburn can support wider land management and conservation objectives. It is the view of Scottish Land & Estates that the provision is patently unreasonable and disproportionate. It is unlikely to be lawful and should be deleted from the Bill in its entirety.

## MODIFICATION

8.17 Section 13 empowers NatureScot to modify a licence at any time without giving notice, even where there is no allegation or evidence of wrongdoing against the license holder. No detail is given on what modification may mean. It is instead left to the discretion of

NatureScot. This creates legal and operational uncertainty for no public benefit. Scottish Land & Estates believes any material modification should be the subject of prior notification; and/or that the modification should not take effect until the expiry of 21 days after service upon the licence holder of the proposed modification, with an appeal having to be made within 21 days of such service (mirroring the provision at section 16AB(2) relating to Section 16AA licences). Any adverse modification that is designed to penalise individual licence holders must only be triggered by robust evidence of wrongdoing in a manner that is rationally connected to the purpose of the trap licensing scheme .

## APPEALS

8.18. NatureScot should not act as prosecutor and judge in relation to its own licensing decisions. Scottish Land & Estates believes there should be a right to appeal against licence refusal, modification, suspension or revocation to an independent court of law on the merits. The appeal provisions at Section 16AB in relation to grouse shoot licensing should be mirrored subject to the implementation of improvements that address the concerns we raise in relation to Section 16AB in response to Question 5.

# Scottish Raptor Study Study Group

The Scottish Raptor Study Group, founded in 1980, is a network of ~300 raptor experts who monitor and record the fortunes of raptor species across Scotland. Our members are organised within 12 regional branches, covering all of mainland Scotland and most of the islands.

We check over 5,000 known raptor territories for occupancy each year, and record the status, distribution and breeding success of each species. We have amassed a unique long-term dataset of raptor records, and this information is vital for understanding changes in population trends. Our results are published annually as part of the award-winning Scottish Raptor Monitoring Scheme. Our work has contributed to hundreds of scientific publications and is regularly used by conservation agencies to inform local, regional and national conservation plans and policies.

Our work is undertaken on a voluntary basis and between us we contribute thousands of days to fieldwork and data collection every year. Our members have varied backgrounds and are from many different professions, but are united by their commitment to the protection and conservation of Scotland's raptors.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

The Scottish Raptor Study Group fully supports the Scottish Animal Welfare Commission's recommendation of a full ban on the use of glue traps.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Scottish Raptor Study Group, strongly supports the additional regulation of wildlife traps. We are opposed to the principle of a 'blanket kill' approach and consider that lethal control should only be as a last resort after all other options are weighed up and assessed. The use of a variety of traps for the live capture of birds is permitted through the issuing of a General Licence by NatureScot. We consider that this system requires tightening up as we have experience of traps being used at altitudes above which target species would reasonably not be expected to be found furthermore they may pose a risk to young fledging raptors. We would like to see a much greater degree of oversight and a restriction in their use both in terms of seasonality and altitudes, perhaps through applying a closed season for their use. We would support the standardisation of all forms of traps and other devices, including such things as which would simplify the process of oversight, accreditation training and licensing. To improve transparency and accountability all traps should have a means by which they can be identified back to the operator and ideally the specific beat keeper to help identify an individual. We have no understanding on the volume or range of by-catch and would like to see a licensing condition introduced whereby these are reported to NatureScot annually.

This would help in several ways, gauge the extent of the issue, the range of species involved, the impact on the population, and geographical spread which would inform the conservation of the species. Best practice could be identified whereby the risk of bycatch may be reduced through specific placement of traps or other aspects that hitherto might be unknown. Whilst being traps themselves we would like to see this opportunity being taken to tighten up on bird scarers such as 'rope bangers', 'scarecrows' and gas powered scarers situated close to known nesting raptor sites on the basis of scaring off gulls and crows.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

We agree with the proposal for a licensing system for use of certain wildlife traps and would like to see the reporting on numbers of animals trapped and killed reported as a condition of licence. This information will help inform the conservation status both in terms of volume and range.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The Scottish Raptor Study Group is in full support of the additional regulations for the licensing of grouse shooting. Over several decades and after various steps taken by the Scottish Government and statements from the grouse shooting industry condoning of the horrors of raptor persecution, the killing continues. The most recent example of a red kite being killed on Lochindorb in the middle of the day illustrates clearly that currently the law is no deterrent. Scottish Raptor Study Group members have first-hand experience of grouse moors where species of raptors are absent, disappear early in the season, or where nests fail on a regular basis. These are not one-off occurrences but a pattern of events. The driven form of grouse shooting appears to have raptor persecution central to its business model, raptors would prey on some of the surplus grouse that is required to shoot and without that the industry, in its driven form, cannot survive, hence why the killing continues. There are many peer reviewed scientific papers that provide hard evidence to support this. Therefore, we consider this step to licence the shooting of grouse is reasonable and entirely proportionate and the only option left open to the Scottish Government, short of an outright ban. It is the wider Scottish public that are the losers with a diminution in the diversity of our natural environment including birds of prey and other upland species and a constriction in their range. Those grouse shooting interests that operate within the law have nothing to fear and can freely go about their business, those that do not will have to clean up their act or face the consequences.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes



**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

Scottish Raptor Study group welcomes and supports the proposed licensing scheme. We are satisfied that the proposed civil burden of proof approach is the correct and fair way to proceed. NatureScot have now imposed General Licence restriction on several land holdings and the process seems well tried, robust and fair. We particularly like that these decisions are arrived at through discussions with several agencies. We would like to see a proportionate sliding scale of penalties depending on the nature of any breaches with due regard to repeat offences, (as we currently see on some land holdings), or where little regard has been paid to remedy previous shortfalls. We have concerns around the inconsistency of wording in section 16AA(6) of the Bill stating the holder of a license must “have regard to” a Code of Practice that will provide “guidance about managing land” used, under a license, for grouse shooting. We would like to see that the wording state ‘comply with’, rather than simply “have regard to” as we feel this inconsistency could lead to ambiguity as it might be applied. We believe that any code should be underpinned by two key principles, firstly that grouse moors are managed in an environmentally sustainable and secondly in a welfare conscious manner. We are concerned that any code could lack teeth when it comes to enforcement and would like to see NatureScot being much more proactive in ensuring compliance and being more ‘muscular’ in their follow up. An impediment is that they are currently not licensed to enter land to follow up on compliance or breaches which limits their ability to act and should be given the authority to do so perhaps by the introduction of an amendment of the Bill to broaden powers of Wildlife Inspectors under section 19ZC of the 1981 Act.

We think that a license fee should be levied at the outset as we harbour concerns that the licensing scheme and NatureScot in particular might be financially ‘hobbled’ right at the start therefore creating an impression of a scheme that lacks teeth and its ability to be proactive, thus setting the wrong tone. Better to start on a firm financial footing and scale back than have to have to start charging once the scheme is up and running. It is inequitable that the cost of administrating a scheme for the sole benefit of one specific ‘industry’ with no benefit to the wider public should fall on the public purse. In other businesses the cost of running a licensing scheme would not be expected to fall on the public purse. Another concern is that without a proactive approach to monitoring any breaches of compliance will be only be discovered by chance, similar to cases of raptor persecution. This is especially so when so many land holdings are remote and difficult to access.

We would suggest that successful applications are risk rated - Red, Amber and Green. Where an application is made from a location with a history of raptor persecution (e.g. has had a General Licence restriction placed on them) it should be flagged Red and subject to more stringent monitoring. Applications from locations with no history of raptor persecution would be flagged Green and handled more with a light touch. Other considerations may be used to help determine a risk rating such as where locations have an absence of raptors even though there appears to be suitable habitat etc.

We are concerned that red legged partridges, amongst others, may be used as a ‘substitute quarry’ thus circumventing any ban should an estate lose their licence to shoot grouse.

One of the reasons for the lack of success in prosecuting vicarious liability cases is the inability to identify owners or occupiers with some land holdings being held by trusts, and some overseas. We would like to see a named individual or specific job holder being held accountable and this could include ‘factor’, ‘sporting agent’, ‘head of a syndicate shoot’,

'head keeper', tenant or any other individual responsible as the management structure on land holdings will vary.

As with the provisions for regulating trap use discussed earlier, we strongly advocate that a condition of being issued with a grouse shooting licence should be a statutory reporting requirement for all bag data to provide statistics for policy decision-making and to allow the annual publication by NatureScot of anonymised bag statistics for transparency and public scrutiny. Red grouse are now amber listed bird so this will help with their conservation and knowledge of their range.

We suggest that NatureScot ability to revoke a licence only up to the end of the period it covers could end up being not much of a sanction. During a 'poor' grouse season some estates currently suspend shooting for a year due to a lack of surplus birds to shoot, so they could treat a ban on shooting for only a year as an opportunity for the moor to have a 'rested year' the benefit of which they could realise the following season. Whilst a year's ban may be considered it should not be the ceiling but rather a starting point.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Scottish Raptor Study Group firmly supports this proposal, by extending the powers of Scottish SPCA inspectors to enter land and gather evidence of Wildlife and Countryside Act offences would provide a significant number of additional professional personnel, with specialist training and experience in both investigating and reporting wildlife offences, as well as working alongside the police. This would complement and support the police, increase the likelihood of securing more evidence thus increasing the deterrent effect through more effective enforcement and successful prosecutions. The sharing of knowledge and best practice will benefit both organisations.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Scottish Raptor Study Group strongly supports additional regulation for Muirburning. The Hill Farming Act is now out of date and in light of the nature and climate crisis and we now need a modern regulatory framework. Our members frequently encounter bad practice such as burning too high, over rocky and steep terrain and fires that spread beyond their intended footprint with few if any consequences. The Muirburn code is voluntary with no consequences for breaching thus offering a disincentive to adhere to it. On occasion it is also used as a tool for burning out raptor breeding sites. With the intensification of driven grouse shooting where estates are looking to 'bring back the grouse', widescale burning is used as a management tool to strip large areas of older heather to enable new growth with

little regard to any other aspects of the wider environment. We would like to see much greater regulation of muirburn, including the need for burning plans as well as the development of an updated Muirburn Code, underpinned by statutory provisions.

We need to protect and restore our peatlands to lock up co2 and not increase the chances of it being released into the atmosphere. Whilst the merits of muirburning remains contested the majority of scientists agree that burning is detrimental.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

Scottish Raptor Study Group welcomes and strongly supports the overall intentions and structure of the muirburn parts of the Bill.

We wish to see greater clarity around the use of muirburn and specifically on peatlands where we do not see this as a management tool where what is needed is rewetting not more burning which will simply cause further damage. The granting of licences for peatlands may be the way ahead if muirburn is necessary for a 'specified purpose' and we need to better understand what these might be and requests should be individually vetted with reference being made to estate's burning maps, peat depth and the nature of the vegetation and preferably a site visit by NatureScot staff.

We would like to see the last burning date being pulled back to mid March, our members have experience of late burning impacting on early nesting raptors and specifically golden eagles, some of these instances are deliberate.

When eagles lose their eyrie to burning it may be too late for them to switch to another nest site and the opportunity to breed may be lost for that year. With global warming we are finding that nesting dates for several species is becoming far less predictable.

We believe that to make matters much straightforward as possible and taking into account the at times contradictory science the best approach might be that burning should not take place on peaty soils of any depth. The option to cut instead of burn seems to have been giving little prior consideration and has been too readily dismissed. As a benefit it would remove the need to measure peat depth which can be very variable.

# Scottish Society for the Prevention of Cruelty to Animals (Scottish SPCA)

The Scottish SPCA is Scotland's all animal emergency service.

It rescues all animals. And it's the duty of the Scottish SPCA to come to the rescue when any animal in Scotland needs help.

Rescue is the start of what can be a long journey: from rehabilitation to rehoming, or releasing back to the wild.

It may involve helping an owner who's struggling to cope.

It may mean preventing a rescue happening in the first place, through awareness and education.

The Scottish SPCA rescues hundreds of Scotland's animals - in every community every single day.

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

The Scottish SPCA has long been opposed to the use of glue traps due to the level of suffering they cause and their indiscriminate nature. They have no place in modern Scotland.

The Scottish SPCA would expect a ban on glue traps to be implemented as soon as the law is passed with no transition period. If something is deemed as causing extreme suffering in legislation then it should not be allowed to continue for two years, regardless of the impact on retailers.

The Scottish Government should not provide any compensation to those that sell glue traps if a ban is implemented. Glue traps are inhumane and cause an extreme level of suffering. Scotland cannot profess to being a forward-thinking country in terms of animal welfare if the sale and use of glue traps continues after deeming them to be inhumane. Operators have a number of other more humane measures and tools that can be used for control.

### Case study 1

The Scottish SPCA attended a property in Wishaw on 19 April after a magpie and sparrow were discovered caught in a glue trap.

Both birds were alive when our animal rescue officer arrived, but they were covered in glue and completely stuck to the trap.

Every time the birds tried to free themselves, they were unable to and became more and more distressed.

The glue ripped the birds' feathers out with every movement. The magpie's wing was completely twisted and broken from trying to break free.

Sadly, as the injuries to both birds were so severe, and removing the glue would have caused the birds even more pain and suffering, the decision was made to put them both to sleep.

## Case study 2

In 2021, the Scottish SPCA rescued a fox cub which was stuck in a homemade glue trap overnight.

An inspector was alerted to the cub on the morning of April 10. The fox had been caught in the trap overnight and the caller heard him wailing in pain. The cub was immediately taken to the Scottish SPCA's National Wildlife Rescue Centre.

The wildlife team set to work cleaning his fur which took hours. It was badly matted by the adhesive and, though they were able to remove some of the substance through a mix of fairy liquid, vegetable oil and soapy water, they had to shave some of his fur. His skin was also damaged by the glue.

The cub was able to recuperate in the large mammals' unit at the wildlife hospital and was released with landowner's permission when he was able to fend for himself in the wild.

Thankfully, the Society was able to save and care for this fox, but unfortunately being able to rescue animals from glue traps is rare due to the extreme harm they cause.

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

### **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

The Scottish SPCA believes additional regulation of wildlife traps is necessary. As Scotland's animal welfare charity, the Scottish SPCA supports an outright ban on the use of snares due to the level of suffering an animal is caused.

The Society has investigated cases involving the illegal use of traps and snares. For example, the animal may be left in the trap longer than the legal timeframe or a stop may not have been added to a snare, causing it to restrict the body the more the animal struggles. The suffering caused to the animal caught in traps or snares can be extreme, illegal or not.

The Scottish SPCA does not support the use of cage crow traps or Larsen traps due to the stress and suffering that can be caused to the bird within the trap that is used to lure other birds. Any decoy bird must be the same species as the intended target, such as a crow to attract other crows. If a pigeon was used, then this has the potential to attract birds of prey. The decoy bird must be afforded the considerations in the five domains model of animal welfare and it's not possible for these to be met inside a trap. This includes the physical and

functional factors that affect an animal's welfare (i.e. nutrition, environment, health and behaviour), but also the overall mental state arising from these factors and the opportunity for that animal to have positive experiences.

Animals that are caught in snares are caused unimaginable physical and mental anguish. Many will have experienced slow and agonising deaths if the snare is illegally set or not checked within the current legal timeframe. Animals will fight for their lives and sadly, the more they fight, the tighter the snare can become. Snare operators are legally obliged to check their snare every 24 hours but the Scottish SPCA is aware of a number of incidents where this has not been the case.

Although the Scottish SPCA condemns suffering to any species, including those targeted by traps, snares and traps can be indiscriminate, which means that they can capture any animal and not only the target species. Target species or those deemed as 'pests', such as foxes and rabbits, are still sentient beings and should be safeguarded from suffering and treated in a humane manner. In many cases protected species, such as badgers, deer and domestic animals, such as dogs and cats, can also be caught in them.

Live capture traps can be used all year round, even in winter, when welfare can be compromised due to the caught animal potentially being kept out in the open with no shelter in adverse weather conditions. Any live capture trap must be regularly checked to ensure animals are not suffering due to being confined in the trap. The Scottish SPCA's Special Investigations Unit (SIU) has found evidence of suffering involving live traps where they were not checked and animals, mainly rabbits and sometimes non-target species such as red squirrels and pine marten, have been left to starve to death. In this way, they are prone to misuse, which is already illegal. There has also been evidence of illegal baits, such as meat from dead lambs and sheep, being used in large traps.

The Society's SIU attended land where it was suspected that crow cage traps were being used to target raptors. Police Scotland accompanied SIU along with an expert who concluded that the traps were most likely targeting birds of prey due to the design of the cage and placement. A shot peregrine was also found in the area. Unfortunately, a case could not progress due to insufficient evidence.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

The Scottish SPCA supports a licence, and stricter conditions and regulations around the use of all traps.

All operators of wildlife traps should conduct their activities lawfully. This includes identification on each trap, setting it legally, regularly checking for any animal and releasing non-target species. When traps are not in use or monitored, they should be removed. This not only protects animal welfare but also the snare operator from any potential or alleged tampering.

The Society would support refresher training on the use of traps to be as regular as the review of the legislation, which is every five years. If any changes are implemented in law ahead of any refresher training, then we would expect this to be rolled out to all trap licence holders.

The Scottish SPCA would recommend that it should be an offence to falsify any records associated with traps or snares. The Scottish SPCA supports the provision that the illegal use of any trap should result in modification of the licence but the Society would support the immediate revocation of a licence to operate the device should an offence be proven.

As well as revocation of a licence, the Scottish SPCA believes that the penalty for an offence involving a trap where an animal is not harmed, then the Society accepts the maximum penalty of six months' imprisonment and a level five fine.

However, if an animal is caused unnecessary suffering due to a trap, the Scottish SPCA would expect for the sentence to be in line with the maximum sentencing provided by the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020.

The Society would encourage a review of the licensing process conducted at adequate intervals to make sure the system is robust and to analyse recorded data to ensure the licensing system is working and that animal welfare standards are being met.

It must be ensured that NatureScot has sufficient resources and staffing levels to assess and grant licences. NatureScot is ideally based to implement any new licensing procedure, however, it must be sustainably funded and staffed to do so. A robust licensing procedure goes far further than the simple issuing of a licence. Every application has to be assessed on its own merits and this can involve site visits and inspections (including physical monitoring once a licence has been granted). Staff must be provided with full training and be aware of legislation requirements.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

While the Society accepts that most grouse shooting estates are law abiding, management needs to be addressed to ensure that illegal practices are not taking place and those working on the estates do not persecute or unnecessarily kill animals. The licensing of grouse moors is a positive step to ensure that grouse estates operate within the law.

The Scottish SPCA has investigated cases on grouse moors where wildlife has been targeted to keep numbers of grouse high and to deter birds of prey and other predators in the area. An example of this was the case of a gamekeeper who was convicted of the deaths of dozens of wild animals and birds of prey on a shooting estate. The Scottish SPCA was alerted to this case due to a report of a live injured hen harrier caught in a spring trap, which was set in the harrier's nest containing eggs. The offender was responsible for game management at the estate and he admitted to killing badgers, an otter, goshawks and buzzards, as well as setting 23 illegal snares on the estate where they worked.

The Society assisted with the conviction of a gamekeeper on charges of keeping dogs for the purposes of animal fighting. On the estate where the gamekeeper worked, a number of deceased birds of prey were found, with some stuffed in bags and hidden across the grounds. Two independent ecologists stated that the estate was devoid of any life, which suggested that the estate targeted any species that could compromise the population of grouse on the land. To date, nobody has been convicted of the wildlife crime that was uncovered on the property.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The Scottish SPCA does not agree with the killing of any animal or birds for 'sport' and this includes the shooting of grouse. However, the Society accepts that the activity is legal and respects this. A licensing system could help to identify nefarious activity and reduce the illegal killing of animals on estates that do not abide by the law.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

The Scottish SPCA's offer to assist in the investigation of wildlife crime still stands but we will refrain from answering this question. The Society is more than happy to provide any further information the Committee requires.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The Scottish SPCA is supportive of tighter restrictions on muirburn, so that there is less chance of accidental fires that can cause the death of wildlife and significant damage to habitats.

While the Society appreciates that grouse need food sources, we do not believe that muirburn is the most effective way to provide this.



Burning habitats and areas where wild mammals and other birds live can cause them to perish if they are unable to escape. This can result in reptiles, small mammals and invertebrates suffering fear and an inhumane death. Should the animals survive, this can force them from an area, causing displacement and separation of social groups. This can also lead to the destruction of areas, such as breeding and nesting sites, which can compromise native species' ability to thrive.

The damage to land caused by muirburn can deter predators from an area, which can be a motivation for those wishing to maintain a grouse population.

Muirburn can release carbon stores in vegetation and peatland, which contributes to climate change. During the climate emergency, Scotland should be doing everything it can to stop harmful emissions. Once peat has burned, its ability to absorb water can decrease, which can contribute to flooding. This ruins habitats and can have a detrimental impact on people, homes, roads and businesses.

The Scottish SPCA fully supports NatureScot as the licensing authority, but, as mentioned above, NatureScot must be properly funded and staffed to do so. and would be pleased to share intelligence and data to assist with the granting, breaching or management of licensing.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

The Scottish SPCA would only support muirburn taking place when there is a risk to human or animal health, such as the risk of wildfires. However, the Society does accept that the licensing system could help to identify those who undertake muirburn carelessly where it becomes a risk to human or animal health.

# Scottish Wildlife Trust

The Scottish Wildlife Trust is a charity working with its members, partners and supporters in pursuit of its vision of healthy, resilient ecosystems across Scotland's land and seas. The Trust champions the cause of wildlife through policy and campaigning work, demonstrates best practice through practical conservation and innovative partnerships, and inspires people to take positive action through its education and engagement activities. It also manages a network of over 100 wildlife reserves across Scotland and is a member of the UK-wide Wildlife Trusts movement.

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

The Scottish Wildlife Trust (hereafter referred to as the Trust) supports the recommendation for a ban on the use of glue traps. The Scottish Animal Welfare Commission unanimously agreed that glue traps cause animal suffering and present a significant animal welfare concern. Glue traps are inhumane and indiscriminate and should not be used, even as a last resort.

<https://www.gov.scot/publications/scottish-animal-welfare-commission-report-use-rodent-glue-traps-scotland/pages/6/>

## **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

## **Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Wildlife should only be destroyed as a last resort in matters of conservation or agriculture and not for the benefit of "sport". Non-lethal solutions should be the primary way of managing wildlife conflicts.

Current system for both live capture traps (e.g. crow cage traps under General Licences) and kill traps is unaccountable, inadequately controlled, and vulnerable to misuse.

Review of species licensing (part of Bute House agreement) needs to happen as soon as possible and needs to work in parallel with the Wildlife Management and Muirburn (Scotland) Bill.

There needs to be a standardisation of trap design and practitioners should be accredited and properly trained.

The Trust agrees that every trap must have the operator's individual ID number attached.

It is important to consider the ways in which human activity has modified the environment in such a way that allows certain species to thrive and other species to struggle. Rather than continuing practices as usual – such as intensive grouse moor management – which result in high generalist predator species, changing the way we manage the land and promoting habitat conservation will improve the balance of species, reducing the need for wildlife traps.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

For public policy choices to be based on data rather than speculation, reporting should be a prerequisite of a trap licencing. This is a requirement for those catching birds to ring them.

The list of “relevant offences” is too narrow, for example there is no mention of Animal Health & Welfare (Scotland) Act 2006.

We recommend that the conditions permitting suspension or revocation of such a licence should be parallel to those currently used to restrict the use of General Licences by NatureScot, i.e. “where there is evidence to suggest that a wild bird or birds has/have been killed, injured and/or taken, and/or that an attempt has been made to do so other than in accordance with a licence, or where General Licences are being otherwise misused”.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The industry has had more than enough time to adapt to changing demands and public pressure. It is not acceptable that wildlife crime and raptor persecution are still so prolific on land used for grouse shooting. It is evident that the grouse shooting sector fails to police itself and so more stringent measures are needed to prevent these crimes being committed.

The Trust urges that the anticipated code of practice be clear and comprehensive covering key issues and management measures associated with grouse shooting such as the use of medication, muirburn, protection of habitats and species and non-lead ammunition. The code of practice is currently stated to provide “guidance”, but it needs to be a requirement for practitioners to follow the code to be granted the licence and retain that licence.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

As mentioned in question 4, the current “self-policing” system fails to initiate change. Licencing the individual most responsible for the grouse shoot will be the most effective mean of enforcing compliance. A named individual licence holder will ensure accountability of grouse shoots. The necessary licence processing, monitoring and other administrative burden by the licencing body should be funded by the licencing fees and not by public funds.

The Trust is concerned that a 14-day notice period is given on the suspension and revocation of a licence to shoot red grouse and the ability of the relevant authority to alternate the notice period. We would welcome greater detail on this and would urge consideration that 14 days is time enough to continue bad practice and significantly harm wildlife. We would also appreciate further detail on the circumstances by which a licence might be reinstated.

The language currently used within the Bill is not strong enough to ensure compliance with best practice through the Code of Practice. The current language used implies that the code of practice is guidance (Section 16AC(2)), rather than the necessary standard. It is important that best practice is followed and the need for compliance should be emphasised through the language used in the Bill.

There is currently no link in the proposed Bill between the licence for land to be used to shoot red grouse and a licence to undertake muirburn. Continuing to use muirburn as a tool to manage grouse numbers should not be permitted once a grouse shooting licence has been lost.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

However, if the Scottish SPCA are to be given additional responsibilities they also need to be given additional training and resources. The Scottish SPCA is a charity organisation (albeit a reporting agency to the Crown Office and Procurator Fiscal Service) and not a public body. Funding this vital work through donations would not be possible. How will the Scottish SPCA be supported in this added responsibility? Police Scotland wildlife crime officers are already involved in this work and should be better equipped to investigate and deal with incidents. The current strategy is not working as evidenced by the latest wildlife crime statistics that showed an increase by 55% in 2021-22 compared to 2019-20.

<https://www.gov.scot/publications/wildlife-crime-scotland-annual-report-2021/pages/3/>

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Peatlands cover more than 20% of Scotland's land surface – the majority of which is degraded as a result of historic and ongoing land management including prescribed burning(1). The further escalating impact of climate change is putting this important habitat at increasing risk. If peat dries out the 1.7 billion of tonnes of carbon currently locked up in Scotland's peatland could be released. Damaged peat bog habitat, such as those that repeatedly suffer from exposure to muirburn and wildfires, are at greater risk of drying out, so to prevent the release of immense tonnes of carbon we need ongoing considerable and focused effort to restore and protect these important habitats. Muirburn is counterproductive to this goal and should only be undertaken in the most limited of circumstances where evidence supports the use of burning as a management practice for societal benefit.

The Trust supports the proposal to redefine deep peat depth. However, we recommend the Scottish Government redefines this as 30cm (as opposed to 40cm) which would cover all internationally important blanket bog habitats(2). This would take Scotland beyond the ambitions of the UK Government. There is considerable conflicting information on the carbon sequestration impacts of burning on peatland. It is important that the methods and results of studies are scrutinised through unbiased peer reviewed process.

In addition, we request you consider the purposes under which a licence to muirburn might be requested and accepted. There is overwhelming evidence to show that burning on peatland provides no benefit to health or sustainability of the peatland habitats and its ability to sequester and store carbon(3).

Licensing for activity on peatland already exists for forestry and windfarm development requiring practitioners to measure the depth of the peat in prospective development and planting areas. It is not a valid argument to claim that measuring the depth of peat would be too onerous. Regardless of muirburn licensing, landowners should be encouraged to assess the depth of peatland on their land for natural capital accounting and not see the data requirement as a burden, but an opportunity. This data is already needed as part of the Peatland Code to provide assurance for investors in peatland restoration projects and would allow landowners to diversify their incomes and provide public goods(4).

Peatland is a vital resource in our ability to meet statutory climate targets and reduce the impacts of global warming. Scientific evidence demonstrates that burning on peatland can damage endemic species, impact important microtopography and ultimately effect the health of the peatland habitat and its ability to form further peat and provide the vital ecosystem services. Ultimately it is against the public's interest to burn on peatland. Allowing peatland to be burned will have a cost to society in the release of carbon, reduction in biodiversity and is a risk to the substantial public investment that has already helped restore peatland across Scotland. Rewetting peatland offers a far more sustainable means to manage wildfire risk, while also tackling the climate and biodiversity crises together. There are many good examples of the positive changes seen as a result of rewetting peatland(5).

The conflicting results of various scientific studies have delayed a sensible approach to managing burning on peatland(6). This mix of outcomes is due to an inconsistent methodology when gathering data, preventing the ability to compare and reliably interpret the results. Any gaps in evidence should not be an excuse for burning to continue. We need

to embed the precautionary principle in our approaches to land management, so we can effectively tackle the climate and biodiversity crises.

Even if the muirburn code becomes a mandatory legal requirement of land managers, the large areas in which muirburn takes place will be hard to police without significant resources and without continued significant risk to our vital peat reserves.

The main point is that due to the risk of our vital peat reserves; our lack of faith in the grouse shooting industry to look after and prioritise peatland over grouse shooting; the difficulty and resources it would take to effectively enforce the licence; and because keeping so much of our land in state of monoculture stops the development of greater biodiversity: a licence should not be given for muirburn when the reason is as unnecessary as ensuring more grouse can be shot by a few people for sport.

(1) <https://www.nature.scot/professional-advice/land-and-sea-management/carbon-management/restoring-scotlands-peatlands>

(2) <https://www.iucn-uk-peatlandprogramme.org/sites/default/files/2019-07/1%20Definitions%20final%20-%205th%20November%202014.pdf>

(3) [https://www.iucn-uk-peatlandprogramme.org/sites/default/files/2023-04/Position%20Statement%20-%20Burning%20and%20Peatlands%20V4%20-%20FINAL\\_1.pdf](https://www.iucn-uk-peatlandprogramme.org/sites/default/files/2023-04/Position%20Statement%20-%20Burning%20and%20Peatlands%20V4%20-%20FINAL_1.pdf)

(4) <https://www.iucn-uk-peatlandprogramme.org/peatland-code/introduction-peatland-code/projects>

(5) [https://www.iucn-uk-peatlandprogramme.org/sites/default/files/header-images/IUCN%20Demonstrating%20Success%20Booklet\\_UK.pdf](https://www.iucn-uk-peatlandprogramme.org/sites/default/files/header-images/IUCN%20Demonstrating%20Success%20Booklet_UK.pdf)

(6) <https://www.iucn-uk-peatlandprogramme.org/about-peatlands/peatland-damage/burning-peatlands>

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

In situations where there is robust peer reviewed scientific evidence to support muirburn taking place, where alternatives like cutting are not available, we would not oppose the use of muirburn as a management technique. We would like to see further detail as to which habitats burning is considered a suitable management tool. Currently there is no robust evidence to suggest that burning is a necessary tool for peatland habitat management(1).

The recent publication by the University of York(2) claims to demonstrate the benefits of burning on heather dominated peatbog, but this study is not peer reviewed, giving it little scientific rigor and only compares degraded bogs. Should the study area be rewetted and

allowed to regenerate the public benefits for carbon, biodiversity and water quality could be significantly greater than suggested by the University of York publication(3). We need a sustainable, long-term vision of peatland management, beyond the short burning cycles of muirburn, that will properly restore peatbogs, making them more resilient to wildfires(4). The Trust manages considerable peatland habitat where burning has never been used as a management technique. These habitats provide considerable ecosystem services such as flood regulation, improving water quality and reducing wildfire risk on top of capturing and storing carbon and providing significant biodiversity benefits. It is in the public's best interest for these habitats to be restored and protected.

The increased risk of wildfire due to climate change will also risk the thousands of pounds of public money that has already been invested in peatland restoration in Scotland. There is evidence to show that muirburn is the cause of a proportion of wildfires, but this relationship remains uncertain and so the precautionary principle should be followed when administering licences so that the risk is reduced as far as possible(5). We support wider efforts from the Fire Service and the Scottish Government on public education initiatives and training land managers of all types to prevent wildfires where possible.

The Muirburn Code requires updating and the Trust is concerned that this, coupled with the anticipated date of ratification of the Bill, will delay action so that two seasons of unlicensed muirburn activity will occur, resulting in significant risk to peatland habitats and potentially undermining efforts to meet our statutory climate targets.

The language currently used within the Bill is not strong enough to ensure compliance with best practice through the Muirburn Code. Section 12(2)(a) "the person to whom the licence is issued must have regard to the Muirburn Code" and Section 12(2)(a)(i). This reference to "have regard to" is too ambiguous and needs to be strengthened to something along the lines of "must comply with". The current lack of success through the voluntary approach and the pressing climate and nature emergency demonstrates the need for a stricter method to ensure compliance.

It is important that Scotland has a strong approach to reducing the risk of damage to peatland. Lessons can be learned from the licencing system in England. There currently exist a number of loopholes where land managers are able to burn on peatland regardless of its depth and quality. The Wildlife and Countryside Link estimated that once all the regulatory exemptions are considered a maximum of just 30% of England's blanket bog habitat, or just 8% of all the peat in England is fully protected(6). Investigations by RSPB have revealed that many illegal muirburn exercises are continuing to take place in England(7). It is important that we do not replicate this situation in Scotland through robust legislation and enforcement and ensure that Scotland leads the way on protection and restoration of our substantial and important peatland habitats to combat the biodiversity and climate crises.

As with the licence to shoot red grouse, the Trust is concerned that a 14-day notice period is given on the suspension and revocation of a licence to make muirburn and the ability of the relevant authority to alternate the notice period. We would welcome greater detail on this and would urge consideration that 14 days is time enough to continue bad practice and significantly damage habitats and undermine actions to provide public goods. We would also appreciate further detail on the circumstances by which a licence might be reinstated.

We agree that the muirburn season needs to be adaptable for a changing climate and resulting change in species phenology, but we do not advocate for the season to be extended.

There needs to be a strong connection between a licence for grouse moor management and a licence to undertake muirburn. If a muirburn licence is breached there should be implications for the ability of an individual to hold a licence for grouse shooting.

(1) <https://www.iucn-uk-peatlandprogramme.org/about-peatlands/peatland-damage/burning-peatlands>

(2) <https://eprints.whiterose.ac.uk/194976/>

(3) <https://onlinelibrary.wiley.com/doi/10.1111/gcb.16359>,

<https://sefari.scot/research/maximising-the-benefits-of-peatland-restoration-right-place-right-time-and-best-practice>,

<https://core.ac.uk/reader/219374064>

(4)

[https://eprints.whiterose.ac.uk/152424/1/NG\\_Mat\\_Aris\\_Marrs\\_et\\_al\\_rev\\_110919\\_15\\_refs\\_clean.pdf](https://eprints.whiterose.ac.uk/152424/1/NG_Mat_Aris_Marrs_et_al_rev_110919_15_refs_clean.pdf)

(5) <https://www.nature.scot/doc/naturescot-research-report-1302-reviewing-assessing-and-critiquing-evidence-base-impacts-muirburn#2.+Main+findings>

(6) <https://www.wcl.org.uk/weak-ban-could-leave-englands-peatland-burning.asp>

(7) <https://unearthed.greenpeace.org/2022/05/30/satellites-fires-burning-england-peatland-grouse-shooting/>



# Stop Climate Chaos Scotland

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Don't know

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Don't know

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Don't know

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Don't know

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Don't know

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Stop Climate Chaos Scotland (SCCS) is a diverse coalition of over 60 civil society organisations in Scotland who campaign together on climate change. Our members include environment, faith and belief groups, international development organisations, trade and student unions and community groups. We believe that the Scottish Government should take bold action to tackle climate change, with Scotland delivering our fair share of action in response to the Paris Agreement and supporting climate justice around the world.

Scotland's land is not currently being managed sustainably: it is the biggest source of greenhouse gas emissions. In conventional emissions reporting 'Land Use, Land Use Change and Forestry' (LULUCF) emissions are usually reported as a net figure whereby emissions from the land are cancelled out by removals of carbon in forestry, resulting in LULUCF being reported as a small source of emissions. However, if the emissions from the land are reported separately to the removals, we see that in 2020, LULUCF emissions were 12.4 MtCO<sub>2</sub>e (removals were -11.9 MtCO<sub>2</sub>e). Transport emissions, usually reported as the largest source, are 9.5 MtCO<sub>2</sub>e. It is important to separate out emissions and removals because large sequestration in Dumfries and Galloway does not erase very large emissions from peatlands in the Highlands.

Since the land is currently such a significant source of emissions, in order to meet Scotland's emission reduction targets it is vital that changes - including to muirburn - are made to current land use and land management. The status quo is not an option.

As a diverse coalition, SCCS members have a range of views on the precise nature of the regulatory change required in relation to muirburn. While the government is proposing improved regulation, some members believe that this is still insufficient and want to see an end to muirburn altogether, especially when it is undertaken for 'sport'. Others may have a great deal of sympathy with this line of thinking but may have taken the view that much stronger regulation is the next logical step.

Notwithstanding this range of views on regulatory approach, we would highlight several reasons why greater regulation is required:

1) The current regulatory framework for this high-risk activity is weak

At present, muirburn is regulated under the Hill Farming Act 1946 as amended, which stipulates when muirburn can take place and the requirements for giving due notice. These legal provisions are supported by the Muirburn Code which provides guidance on the practice of muirburn, although there is no legal sanction for non-compliance with the code. Adherence to the Muirburn Code is included in GEAC 6, which means that there is the possibility that a land manager claiming public money under the agricultural payments regime could have a penalty imposed for failing to meet Cross Compliance conditions. However, non-compliance with the Muirburn Code is very difficult to police.

In effect, today it is perfectly possible for an individual that has limited knowledge about, and training in, fire management, to engage in the practice of muirburn. Possibly for this reason the Grouse Moor Management Review Group said: 'it is recommended that there should be increased regulation for all muirburn, not just that undertaken in relation to grouse moor management' (<https://www.gov.scot/publications/scottish-government-response-grouse-moor-management-group-recommendations/>).

Some comparisons may help illustrate the weakness of the current regulatory approach to muirburn. A land manager would require a licence if they wanted to undertake an activity that would disturb a badger, but the same land manager could set fire to a hillside without requiring a licence. A land manager would require a licence if they wanted to fell trees, yet the same land manager could burn large areas of hillside with the intention of preventing natural regeneration of trees.

Regulation of activities in the natural environment exists for important reasons. It seeks to control activities that could do harm. That harm could be to vulnerable species and habitats, air quality, property or the public interest. At present, the regulatory regime around muirburn does not sufficiently protect these interests.

2) If muirburn is being retained, the standard of muirburn practice needs to be raised and better regulation is a valuable way of achieving this outcome

Muirburn is undertaken by a variety of land managers, but primarily by sporting interests and by farmers and crofters. There is a wide range of expertise in muirburn practice amongst these land managers. While we do not have published evidence, it is likely that gamekeepers on sporting estates who regularly undertake muirburn as a core part of their role are more likely to have higher knowledge levels and better safety equipment than others that may undertake muirburn occasionally. Better regulation is a way of ensuring that all those that undertake muirburn meet basic standards of practice.

3) A proportion of wildfires are started by muirburn

The NatureScot evidence review on the impacts of muirburn on wildfire prevention, carbon storage and biodiversity (<https://www.nature.scot/doc/naturescot-research-report-1302-reviewing-assessing-and-critiquing-evidence-base-impacts-muirburn>) concluded 'that there is evidence that muirburn directly causes a proportion of wildfires that occur, however there remains uncertainty regarding this proportion'. Given that muirburn can be a cause of wildfire, better regulation as a means of reducing wildfire risk is reasonable. With the incidence and severity of wildfires expected to increase in coming years due to climate change we should be doing all we can to minimise the risk of wildfires (<https://www.scottishfireandengagementsystem.co.uk/project/overview>).

4) The Muirburn Code appears to be routinely ignored

The current version of the Muirburn Code (<https://www.nature.scot/doc/guidance-muirburn-code>) was produced by the Moorland Forum and launched by (then) Cabinet Secretary Roseanna Cunningham, on 22 September 2017, and updated on 20 May 2021. The Code sets out the statutory obligations that "must" (or "must not") be undertaken – these relate mainly to the legal restrictions (seasons, fire safety, etc) and other statutory issues such as protected sites, species, ancient monuments, etc. This is accompanied by best practice

guidance that “should” be followed. This guidance relates to matters such as peatlands, thin soils, landforms, waterbodies, etc.

Unfortunately, there are lots of examples where muirburn has been undertaken in a way that ‘should not’ have happened i.e., even if the legal obligations were met, good practice was not. The RSPB’s report on muirburn ([https://www.rspb.org.uk/globalassets/downloads/nature-recovery-plan---scotland/rspb-scotland\\_report\\_muirburnlicensing\\_oct2021.pdf](https://www.rspb.org.uk/globalassets/downloads/nature-recovery-plan---scotland/rspb-scotland_report_muirburnlicensing_oct2021.pdf)) highlights examples of muirburn taking place in ways that go against the Muirburn Code with burning on steep slopes, through regenerating woodland, through bird of prey nest sites and so on.

Part of the issue with the Muirburn Code appears to be that it is essentially an industry-led code of practice. Better regulation offers the opportunity to give ownership of the Code of Practice to Scottish Ministers. If the Code of Practice is government or licensing authority ‘owned’ it can be a stronger mechanism for driving adherence to good practice.

## 5) Protecting peatlands

Peatlands are an incredibly important resource in Scotland. They cover 20% of the land area and because approximately 80% of that area is degraded in some way, they are a major source of greenhouse gas emissions (with burning being one element of why peatlands are degraded and releasing so much carbon). In 2019, peatlands released 6.34 MtCO<sub>2</sub>e. Note that in 2020 the Agriculture sector released 7.4 MtCO<sub>2</sub>e, the Residential sector released 6 MtCO<sub>2</sub>e and the Energy Supply sector released 5.3 MtCO<sub>2</sub>e. Consequently, everything must be done to bring our peatlands into better health if we are to meet our emission reduction target.

Our peatlands have been damaged over time by drainage, grazing, burning and afforestation. As a result of burning, our peatlands have become drier than they should be. This leads to significant long-term changes in vegetation with a higher cover of fire resistant dwarf shrubs such as heather and to a reduction in peatland function and the loss of carbon to the air. The IUCN Peatland Programme takes the view that there is consensus, based on the current body of scientific evidence, that burning on peatland (especially blanket bog and wet heath) can result in damage to peatland species, microtopography and wider peatland habitat, peat soils and peatland ecosystem functions (<https://www.iucn-uk-peatlandprogramme.org/sites/default/files/header-images/Resources/IUCN%20UK%20PP%20Burning%20and%20Peatlands%20Position%20Paper%202020%20Update.pdf>) - further reducing their sequestration capacity and turning them into sources of greenhouse gas emissions. They highlight that healthy peatlands do not require burning for their maintenance.

At present, the importance of peatlands is already recognised in the Peatland Code. The code says that burning should not take place on peat that is deeper than 50cm. However, as we have pointed out, this is stipulated in a largely voluntary code of practice that is poorly policed and hard to enforce. Given the importance of peatland in our efforts to reach net zero, a stronger regulatory framework to protect peatlands is not unreasonable.

There is ongoing scientific debate about burning and peatlands and some may use that debate as a way of arguing for the retention of the status quo. Due to the need to manage land more sustainably and its role in helping to meet emission reduction targets, the status quo is not an option. A precautionary approach to protecting peatlands is reasonable and better protection of our peatlands through stronger regulation is justified. Indeed the

Continuity Act requirement to adhere to EU Environmental Principles (not yet in force, but there is "interim guidance" to ScotGov as to how to comply) suggests that this approach is in line with the broad governmental intention to remain aligned with EU standards.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

SCCS would like to make the following points:

Purposes for muirburn (Section 10 (2)) – we are concerned that the inclusion of the control of wildfire in the list of purposes potentially creates a loophole that could effectively allow the continuation of the status quo.

Preventing wildfire is arguably a legitimate purpose, but how will Ministers ensure that this reason is only used when absolutely necessary and does not become the default purpose?

Under the current proposals a land manager could apply for a licence to burn on land that is not peatland for the purposes of game or livestock management within the muirburn season. They could also apply for a licence to burn on land that is not peatland outside of the season if the purpose was to restore nature, prevent wildfire or undertake research. Where the land is peatland, a land manager could apply for a licence to burn at any time if the purpose was to restore nature, prevent wildfire or undertake research.

In some respects, this is not a massive change because there is already a licensing system for out of season muirburn, but the inclusion of the specific purpose of preventing wildfire raises concern. The reason for this concern is that while land managers have traditionally undertaken muirburn to better support grouse numbers for shooting or for livestock, in recent years this activity has been re-framed so that the narrative is that their burning is also about preventing wildfire. Will wildfire prevention become a primary purpose and result in the maintenance of the status quo?

We acknowledge that Section 11 allows Ministers to grant licences only if they consider it appropriate to do so and having regard to the applicant's compliance with the Muirburn Code. Where the land is peatland, Ministers also have to be satisfied that muirburn is required for that purpose and that no other form of vegetation control is required.

But this effectively puts a great deal of weight on Scottish Ministers' licensing system because decision makers will need to be able to judge whether or not the application has merit. They will need to have a clear case by case understanding of the wildfire risk. But if the licensing regime is not properly resourced to be able to make these decisions it is possible that the licensing system will not robustly achieve the aims of the legislation i.e. strengthen regulation around muirburn. The key point is that this approach will only really work effectively if the licensing authority is properly resourced to deliver the regulatory framework being created.

Full cost recovery (Section 10 (3) (c)) – This concern that the delivery of the intention of the legislation depends on the effective operation of the licensing regime leads to concerns about the proper resources of the system. Section 10 (3) (c) refers to payment of a reasonable fee but should refer to full cost recovery.

Contents of muirburn licences (Section 12) – This section says that a licence must include reference to whom it is granted and the land to which it applies, and areas of peatland must be identified. It should also require that other possible constraints on burning should be included, for example, nest sites and other areas that should not be burned such as steep slopes, woodland etc.

Section 12 stipulates that the person to whom the licence is issued must ‘have regard to’ the Muirburn Code. This is too weak. The person to whom the licence is issued must comply with the Muirburn Code.

Definition of peatland (Section 18) – The principle that peatlands should be protected is already embedded in the Muirburn Code, which was effectively developed by land managers in the Moorland Forum. The current Code states that burning should not happen on peatlands (where peat is defined as an organic soil, which contains more than 60 per cent organic matter and exceeds 50 centimetres in thickness).

The reduction of the depth to 40cm is an attempt to increase the area of peatland protected from muirburn, which is welcome, but it is effectively a political compromise where the government has gone for a figure between the status quo and what many in the environment lobby have been calling for.

It is important to note that the UK Peatland Strategy says:

“Internationally, there is a growing consensus of the definition of peat soils as being organic carbon rich soils with a depth exceeding 30 cm. In line with international consensus, this strategy defines peat as: “A wetland soil composed largely of semi-decomposed organic matter deposited in-situ, having a minimum organic content of 30% and a thickness greater than 30 cm”. ([https://www.iucn-uk-peatlandprogramme.org/sites/default/files/2022-04/UK%20Peatland%20Strategy%202018\\_2040.pdf](https://www.iucn-uk-peatlandprogramme.org/sites/default/files/2022-04/UK%20Peatland%20Strategy%202018_2040.pdf) )

While it is important to remember that peat can accumulate at very shallow depths and that depth definitions like this could effectively designate those areas as ‘not peatland’ (with perverse consequences), if a depth criterion is required in this legislation it should align with the international consensus and UK Strategy of 30cm.

To be clear, however, we would like to emphasise that defining peatland in the Bill through a specific depth definition should only serve to define peatland for the purposes of this Bill. This depth definition should not be taken to apply more generally for other purposes. This is important because depth definitions can have a useful function, but if applied in other contexts they can have perverse consequences. Research in relation to the carbon balance and relationship between peatland restoration and woodland creation may need a different approach and generic depth definitions may not work in that context. SCCS would encourage the Committee to satisfy itself about the extent to which the definition of peatland in this Bill will only apply to this Bill.

# Strathearn Pest Control

A family run professional pest control company trading since 1979

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

I do not agree with the total ban of this product.

If used correctly they can be a very important tool in our toolbox as an emergency last resort item.

I strongly feel that they should be "licensed / regulated" and the general public or none trained individuals should not have access to them, similar to other professional pest control products.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Don't know

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Don't know

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Don't know

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Don't know

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Don't know

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Don't know

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Don't know

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**



# Strathearn Pest Control Ltd

We provide a wide range of pest control services to a broad range of customers - agricultural, residential and commercial sectors. This ordinarily includes the control of insects, birds and rodents; we have been operating for 45 years

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

I previously responded to a questionnaire on the use of Glue Boards in England and am now writing again about their proposed ban in Scotland

Like any professional pest control company, we employ a number of different methods to control rodent infestations

These will include:

- Identifying proofing issue ie entry points and ensuring the requisite action is taken to prevent rodent ingress
- Ensuring the client is maintaining good levels of hygiene / housekeeping to deny food sources and/or harbourage
- The use of toxic and non-toxic rodenticides (monitors)
- Ensuring correct and appropriate number of visits are being carried out
- Deploying traps

Our strategy can include any or all of the above to ensure pest free conditions at a site. However, there are times where these measures are not enough and, as a last resort, we have had to use glue boards

The decision is not taken lightly and is determined by the level of risk to public health whilst protecting non-target species

The last occasion was in the Grassmarket, located in the centre of Edinburgh. This is the old part of the city with a high number of densely packed old (19th Century) buildings, including a number of restaurants

Consequently, there are numerous food/rubbish sources and harbourage sites and the area, as a whole, is prone to vermin issues throughout the year

Two weeks ago we attended an emergency call out to one of our Grassmarket sites following reports of a rats running around the kitchen area. In this instance, where an immediate result was required, we authorised our technician to use glue boards

We believe Professional Pest Control Companies should be allowed, in the interests of public health, to continue to use glue boards, as a last resort. This could be in any setting - hospitality venues, care settings, food production, packaging and preparation sites etc

Glue Boards are an essential tool and are a quick and effective means of eradicating a rodent infestation when extended pest management programmes eg trapping / use of rodenticides will result in establishments having to close for a minimum of 2 - 3 weeks whilst these methods have an effect.

This will impact a number of sectors including, once again, hospitality venues, care settings, food production, packaging and preparation sites etc with a significant impact on public health and safety and economic health of affected businesses

We further believe the efforts of Legislative Bodies might be better spent exploring how best to prevent the use of rodent control products – glue boards and rodenticides etc - by unqualified amateurs rather than introducing a ban, based on spurious evidence, that will be detrimental to public health

Where speed of control is of the essence, there is no viable alternative to the use of rodent glue boards

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Don't know

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Don't know

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree reasons**

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Don't know

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Don't know

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Don't know

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Don't know

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Don't know

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

## **Tarland Climate Crisis Group**

We are a community-based climate and environment action group who work alongside other local groups with projects in the areas of biodiversity, rewilding, growing and active community.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Good wildlife management should not depend on cruel methods of trapping and killing.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

The International Consensus Principles for Ethical Wildlife Control might be good starting point for all wildlife management? Could Scot Gov just adopt these rather than re-inventing the wheel?

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

BUT.....please consider animal welfare and seek to use methods that cause least suffering.

AND....we support a statutory training scheme administered by NatureScot with regular (more frequently than 10 yearly?) refresh.

AND....trap monitoring is a huge task that needs to be achieved effectively and at no public cost please.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Voluntary enforcement has failed. And as well, raptor persecution has continued.

We only need to cast our eyes to the horizons around our communities to see that we are surrounded by intensively managed grouse moorland designed to meet the mores of sport shooters and to the detriment of wildlife, animal welfare and our natural environment.

Metrics around numbers of grouse shot, what happens to the carcasses and measures of these intensive land management practices need to a licence requirement.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

BUT.....licences should be in the name of a Responsible Person, fees should adequately cover the monitoring and admin costs

AND.....mass chemical medication of grouse should be stopped.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

So much goes undetected - anything and everything that can improve wildlife crime rates is worth exploring.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

However it is framed to shroud the damage done and a positive, muirburn is damaging and offensive and ultimately cannot be justified as good practice ever. Where to start:

- \* muirburn stops peatland from wetting
- \* muirburn releases carbon sequestered
- \* muirburn diminishes biodiversity

\* muirburn squanders public investment in peatland protection

\* muirburn contaminates the air we breath

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

BUT.....grouse shooting is purposeless and unnecessary so why keep the cycle of nonsense going? If we stopped grouse shooting we wouldn't need muirburning - whatever others say.

# **Tayside & Central Scotland Moorland Group**

The Group was established to promote the management and conservation of heather moorland in the Tayside and Central Scotland area

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Operators of wildlife traps already operate to high professional standards, with many practitioners undertaking training on a voluntary basis. What is needed is more training.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

The proposal to subject wildlife traps that kill instantaneously to unique licence numbers is disproportionate and likely to result in unintended consequences. Unique licence numbers should only be applied to live capture traps where there are heightened animal welfare considerations.

Interference with unique licence numbers by parties with vexatious agendas is a cause for real concern and is the obvious way of sabotaging a licence holder.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

There are already robust measures to deter and punish wildlife crime. A licensing regime is just more red tape which will stretch both land managers and NatureScot which is already under pressure and lacks capacity.

If a licensing regime was introduced then only evidence which proves beyond reasonable doubt that a wildlife crime has been committed by a relevant person should be considered a basis for suspending or removing a license.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The licensing scheme is unworkable on a practical level and unfairly singles out grouse moor operators for punitive civil sanctions without justification.

The right to shoot grouse should only be interfered with if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

12 month licensing period are ludicrous. How can decisions on investment (including employment) and long term conservation strategies be implemented when the business may not be able to operate 12 months on?

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Charities should not have statutory powers.

SSPCA staff are known to be partial.

SSPCA has lost all trust in our community of rural workers (shepherds, keepers and land managers)

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Updated Best Practice (Muirburn Code) and related training for practitioners are the answers here, not more regulation.



**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

Muirburn is a vital tool to reduce fuel loads that threaten wild fires, as SFRS confirms. We should do everything to encourage safe and proportionate Muirburn by trained professionals.

Cool burn does not affect peat, indeed the burning of surface vegetation promotes peat-forming mosses which sequester carbon.

Restricting burning on certain areas based on peat depth is ludicrous. Potentially this leaves areas of deep peat with higher fuel loads on top. It is when these higher fuel loads ignite that the peat itself ignites.

How would one impose restrictions on burning on certain peat depths? This would involve land managers and practitioners using peat probes (think spear/javelin) being thrust deep into the peat and forming effective exhausts every few metres which encourage peat degradation and carbon loss.

A lack of burning would leave long, rank heather on areas of deep peat and cause a reduction in biodiversity.

Any suspension of a license should only be enacted after an offence is proved beyond reasonable doubt. Anything else will encourage arson and malicious/vexatious allegations to be made.

# **Tayside and Central Scotland Moorland Group**

Tayside and Central Scotland Moorland Group is a collection of rural estates throughout Perth and Kinross. The group demonstrates the work local sporting estates and their staff undertake for our countryside, highlighting the positive impact on our environment, communities and businesses.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

Another ban on another type of trap is just the thin edge of the wedge.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

We think that operators of wildlife traps adhere to high professional standards, with many practitioners undertaking training voluntarily.

We don't think that additional regulation on the use of wildlife traps is necessary. It would be better to use training to maximise adherence to best practice and reduce the probability of non-target catch.

We strongly believe it should be a standalone offence to tamper with, interfere or sabotage a wildlife trap. The penalties for this should reflect the spring traps penalties in section 5 of the Bill.

We are really disappointed that interference, tampering and sabotage of traps has not been made a standalone offence.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree reasons**

We think that it would be disproportionate and unreasonable to subject wildlife traps that kill instantly to unique licence numbers. Unique licence numbers should only be applied to live capture traps where there are obvious animal welfare considerations. Kill traps are deployed far more extensively, which would substantially increase administrative burdens for the licence holder and the estate.

We are really concerned about interference with unique licence numbers by those with anti-shooting agendas. It would be an obvious and easy way to sabotage a gamekeeper, potentially putting employment at risk. This risk is exacerbated by the proposal to include unique licence numbers on kill traps which are extensively deployed. It should be an offence to tamper, interfere or sabotage a wildlife trap, with penalties reflecting those in section 5.

Modification, Suspension and Revocation:

We think that it would be disproportionate, unreasonable and unfair to impose penalties under a trap licensing scheme for alleged offences that have no connection to the use of wildlife traps.

We think that it would be disproportionate, unreasonable and unfair to suspend a licence because of the initiation of a police investigation. NatureScot should first have to be satisfied that an offence in relation to the use of wildlife traps had been committed beyond reasonable doubt.

Police investigations can easily be triggered by a malicious allegation from someone with an anti-shooting agenda, which would put my employment at risk. The inability to use wildlife traps would be career-ending, and there is a complete lack of safeguards to stop this from happening vexatiously.

Application:

We think that it would be disproportionate, unreasonable and unfair to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest an offence in relation to the use of wildlife traps had taken place beyond reasonable doubt. The vagueness of the appropriateness test does not give me confidence that NatureScot would grant me a licence on which our gamekeepers employment depends.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

We think that there are already robust measures in place to deter and punish the persecution of raptors in Scotland. These include recently strengthened criminal penalties, the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

Wildlife crime reports indicate that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. This calls into question the need for licensing.

We think that it would be completely disproportionate, unreasonable and discriminatory to suspend or revoke a licence to shoot grouse on the basis of any crime other than raptor persecution.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing. We think that this is grossly unfair, disproportionate and creates total uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence beyond reasonable doubt of raptor crime.

We think that it would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or a code of practice).

We think that the only trigger for suspension or revocation should be robust evidence that the relevant person had committed raptor crime. The definition of relevant offences is broad and discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.

The consequences of licence suspension or revocation are huge. Our gamekeepers would lose their job, their home and associated businesses would either shut down or suffer.

We are really concerned about the proposed one-year licensing system, which means there would be no material difference between licence suspension and revocation.

We think that it would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation, which can easily be triggered by malicious or vexatious allegations.

Overall, We think that this licensing scheme is hugely discriminatory. It will result in people with the right to shoot grouse - and by extension employees like gamekeepers- being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management. It feels like the Scottish Government are persecuting estates, gamekeepers, their families and destroying a way of life.

We think that it would be completely disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. 'Appropriateness' is a very broad test that could result in licenses being refused for any number of reasons. It could also result in licences being refused for reasons that could not justify licence suspension or revocation.

Licences should last in perpetuity. It would be disproportionate, unreasonable and unworkable to renew licences annually. Grouse moor management is a long-term investment and the licence duration should reflect this reality.

Annual renewals, combined with the appropriateness test, would provide no certainty to estate owners and severely restrict an estate's ability to plan for the future. This will make

grouse shooting and moorland management unviable, with huge consequences for people like me. Gamekeepers would lose their job and their home, and the wildlife they care for would suffer as a result.

NatureScot's licensing team is already overburdened. We do not have trust or confidence that they could take on another licensing function, let alone a scheme that would see them deciding whether or not it is 'appropriate' to grant licences every single year.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

We think that giving charities statutory powers to investigate any crime sets a dangerous precedent. There is no accountability and oversight of their work.

The Scottish SPCA staff are not vetted or trained to the same standard as police officers, which would compromise wildlife crime investigations.

We are aware that Scottish SPCA staff publicly express partial views (often concerning legal land management tools and countryside activities) which could lead to investigations being tainted by bias.

The partial views held by the Scottish SPCA in relation to legal land management tools and countryside activities has eroded my trust and confidence in their ability to investigate impartially.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science shows that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. We have also seen first-hand the benefits of muirburn for species like curlew, golden plover and merlin. Additional regulation has the capacity to detract from these important benefits.

We know that the gamekeepers ensure that muirburn is conducted with absolute professionalism and in accordance with best practice guidance by the vast majority of grouse moor managers. Training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

We have seen no scientific evidence to support the introduction of greater controls on burning where there is peat deeper than 40cm. In addition, there is no evidence to suggest that muirburn is harmful on peat deeper than 40cm. The Peatland ES-UK study demonstrates how beneficial muirburn can be for peatland ecosystems, regardless of peat depth.

The licensing system puts the onus on people like the gamekeepers to determine where the land is peatland or not peatland. There are no peatland maps denoting where the peat is 40cm in depth, meaning the only available option is to use a peat probe. Even then, the variability of peat depth across small areas means that every square inch of the land would need to be probed – which is not practical and would actually damage peat. The licensing scheme provides no certainty and is unworkable.

We think it would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.

We think that it would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control are not as effective as muirburn, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in summer months, producing ideal tinder for smouldering and wildfire ignition. This could actually increase wildfire risk.

We think that it would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

# The Ben Alder Estate

We are a rural Highland Estate. Our principal activities are:

Forestry

Moorland management and shooting

Deer management

Holiday lettings

Carbon capital.

We currently employ 18 full time staff. We also employ seasonal staff when required.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Operators of traps already operate to high professional standards. As far as we are aware, there is no evidence that additional regulation is necessary. Adherence to best practice would be possible through the provision of training alone.

It should be an offence to tamper with, interfere with or sabotage a wildlife trap. The penalties for this should reflect those relating to section 5 of the Bill.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Unique licence numbers (ULN) - This is disproportionate. ULNs should only be applied to capture live traps where there are heightened welfare considerations. Interference with ULNs by people with vexatious intentions is a cause for real concern and is the obvious way to sabotage a licence holder. Provision MUST be made to make tampering, interference and sabotaging a trap an offence with penalties reflecting those in Section 5 of the bill.

Modification, suspension and revocation - It would be disproportionate and unreasonable to deal with a licence for any crime other than those relating to the use of wildlife traps. It

would be unjust and illogical to impose penalties under a trap licencing scheme for alleged offences with no connection to the use of wildlife traps.

Application - It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is appropriate to grant a licence. Licences should be granted unless there is proof beyond reasonable doubt that an offence in relation to use of wildlife traps had been committed.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. It is wrong that grouse moor owners and occupiers are being singled out for a punitive civil sanctioning regime against this background.

There are already robust measures in place to deter and punish the persecution of raptors in Scotland. These include unlimited fines and lengthy prison sentences, vicarious liability for landowners and the option for NatureScot to impose restrictions on use of general licences.

If licencing is introduced it would be completely disproportionate, unreasonable and discriminatory for NatureScot to interfere with the right to shoot grouse for any reason other than robust evidence that proves beyond reasonable doubt that a raptor crime had been committed on an estate by a relevant person.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The licencing scheme is unworkable on a practical level and unfairly singles out grouse moor operators for punitive civil sanctions without justification.

Application - The right to shoot grouse should only be interfered with if there is robust evidence that proves beyond reasonable doubt that a raptor crime had been committed by a relevant person on an estate.

The bill gives NatureScot the discretionary power to grant or refuse licences on the basis of its perception of appropriateness. This is a very broad test that could result in licences being refused for a number of reasons. It is not right or just that licences are refused on lower grounds than suspension or revocation. Nature Scot is already overburdened. Unworkable in practice.



The licence period - If licences are only granted for a maximum of 12 months businesses will not know from year to year whether they will be able to operate, thus severely impacting on their ability to plan for the future, take on employees or invest in rural Scotland. This will all impact adversely on the local economy and the environment. As an estate we invest significant amounts in the management of the land. It is not just grouse/grouse shooting that benefits (e.g. grouse are not the only ground nesting birds), accessibility through maintenance of pathways, habitat improvement etc. We also use many local businesses who would lose out if we and others were no longer able to operate.

Modification - The Bill says that licences may be modified by NatureScot at any time even if there is no allegation or evidence of wrongdoing. That is simply not just. Modification is a penalty and penalties under the scheme should only be triggered if there is robust evidence that proves beyond reasonable doubt that raptor crime has been committed on an estate by a relevant person.

Suspension and revocation - The consequences of either could be devastating for the grouse rightholder, their employees and the wider economy/community. Jobs and homes would be lost. It would therefore be disproportionate and unjust to suspend or revoke a licence for anything other than a criminal offence i.e. raptor crime.

The broad definition of relevant offences is discriminatory. It is totally unjust for offences that have no connection with the management of grouse moors to be the triggers for imposing sanctions.

Overall the licencing scheme is (a) discriminatory because it will result in people with the right to shoot grouse being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management and without criminal wrongdoing being proved beyond reasonable doubt and (b) it is simply not workable from a practical perspective.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Giving charities the powers to investigate crime sets a dangerous precedent. How is their work to be overseen and where is the accountability. Scottish SPCA staff are not vetted or trained to the same standard as police officers. They are also overt in their partial views. There is a real danger of investigations being tainted by bias and a further erosion of trust.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared with cutting vegetation and leaving vegetation unmanaged.

Muirburn is conducted with professionalism and in accordance with best practice by the vast majority of grouse moor managers. The provision of training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

The definition of peatland is arbitrary and illogical. There is no science that we are aware of to support greater controls of burning where the peat is deeper than 40cm. It is also acknowledged that Scotland does not currently have soil mapping data for peat with depth of 40cm, so how is it workable for a landowner to have to determine this.

Nature Scot's recent review of the evidence on muirburn confirmed that the only way to measure peat is to use a peat probe. Peat depth can be highly variable across a small area which makes it impossible for an applicant to determine with absolute certainty whether the land included in the licence is peatland (as defined) or not peatland.

Probing every inch of ground, apart from being practically nonsensical would probably damage peat, which is against the law. UNWORKABLE.

# The German Game Conservancy

The German Game Conservancy is the German equivalent of the Game and Wildlife Conservation Trust - a science led charity with an interest in nature conservation and interactions between game, wildlife and humans.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

We need all management tools for wildlife conservation, especially given the conditions we are working within in the current landscape. From a scientific point of view, it would be disadvantageous to limit our options on wildlife management. The same mistakes have been made in Germany in the past.

Operators of wildlife traps already operate to high professional standards, with many practitioners undertaking training on a voluntary basis.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Kill traps have been shown to kill immediately. It does not make sense to add licensing administration to these systems.

Unique licence numbers should only be applied to live capture traps where there are heightened animal welfare considerations.

It would be disproportionate and unreasonable to modify, suspend or revoke a licence for any crime other than those relating to the use of wildlife traps.

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless there is proof beyond reasonable doubt that an offence in relation to the use of wildlife traps had been committed.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The right to shoot grouse is a proprietorial right and it would be inappropriate for the Scottish Government to interfere in in this way.

The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. It is wrong that grouse moor owners and occupiers are being singled out for a punitive civil sanctioning regime against that background.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The licensing scheme is unworkable on a practical level and unfairly singles out grouse moor operators for punitive civil sanctions without justification.

The Bill gives NatureScot the discretionary power to grant or refuse licences on the basis of its perception of “appropriateness”. This is a very broad test that could result in licences being refused for any number of reasons. It cannot be right that licences are refused on lower grounds than suspension or revocation.

The Bill says licenses may only be granted for a maximum period of 12 months. Businesses will therefore not know from one year to the next whether they are able to operate. This uncertainty will severely inhibit their ability to plan for the future, take on employees and invest in rural Scotland.

This will, in turn, disincentivise grouse shooting and moorland management more broadly, which will have adverse downstream consequences for the economy and the environment. Grouse moor management is a long-term investment and the licence duration should reflect this reality. From a conservation point of view for waders and grouse, the licensing duration is entirely inconsistent with conservation objectives and management plans.

The only trigger for any adverse licensing decision (be it refusal, modification, suspension or revocation) should be robust evidence that proves raptor crime had been committed on the estate by a relevant person beyond reasonable doubt.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Affording charities statutory powers to investigate any crime sets a dangerous precedent. There would be a deficit of accountability and oversight of their work.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. Additional regulation has the capacity to detract from these important benefits.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

The definition of peatland is arbitrary and illogical. There is no science to support the introduction of greater controls on burning where there is peat deeper than 40cm.

The licensing system puts the onus of determining whether the land is peatland or not peatland on the licence applicant, despite the policy memorandum acknowledging that Scotland does not currently have soil mapping data for peat with a depth of 40cm.

It would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control lead to worse outcomes, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in summer months, producing ideal tinder for smouldering and wildfire ignition. This is counterintuitive to the stated licensable purpose.

# The Law Society of Scotland

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful, and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Rural Affairs sub-committee welcomes the opportunity to consider and respond to the Scottish Parliament's Rural Affairs and Islands Committee's call for view: Wildlife Management and Muirburn (Scotland) Bill (the "Bill"). The sub-committee has the following comments to put forward for consideration.

We welcome the introduction of the Bill. Our comments below follow our response to the Scottish Government's consultation on Wildlife Management in Scotland in December 2022, accessible here: <https://www.lawscot.org.uk/media/373947/22-12-14-env-rur-consultation-wildlife-management-in-scotland.pdf> (the "Consultation Response"). As noted in that response, the law relating to wildlife in Scotland is fragmented over a number of statutes, often themselves amended on multiple occasions, and as a result, is particularly complex. Legislative efforts in this area to consolidate the law, make it clearer, and provide certainty for individuals and businesses is welcomed. Notwithstanding our specific comments below, we remain of the view that there is a potential to consider wildlife protection, particularly in the rural sector, as part of the approach to land reform and management more generally.

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Don't know

## **Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

We welcome the proposed ban as set out in sections 1 to 3 of the Bill. As the use of glue traps cause unnecessary suffering and pose wider animal welfare risks given their indiscriminate nature, a ban on their use is appropriate.

We note that analogous provisions were included in the Glue Traps (Offences) Act 2022, which received royal assent last year.

We also consider that it is appropriate for the purchase or acquisition of glue traps, without a reasonable excuse, to constitute an offence and be included within the scope of the Bill. We would recommend, however, that the drafting at section 2, subsection (2) is clarified so that subsection (1) applies if such a trap is brought back into Scotland following its purchase. As presently drafted, it appears that a glue trap could be purchased online and delivered outwith Scotland for use, which would satisfy the requirements of section 2(2)(a)-(b). If, however, the purchaser then brought the trap into Scotland and it had not been used, we do not consider that it would be appropriate for this exemption to apply in these circumstances. We do not anticipate that this is the policy intention either.

If such legislative provisions come into force, it is important that there is clarity and certainty in the law in order that individuals and businesses can guide their conduct appropriately. Any changes to the policy and legislative framework on this matter would merit an appropriate awareness-raising campaign so as to make individuals and businesses aware of the revised provisions.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Don't know

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

We welcome the additional regulation on the use of certain wildlife traps, as provided for at sections 4 and 5 of the Bill, as applicable to the use of traps in the wild. The existing law in this regard is unclear and inconsistent, and so measures to simplify the regime is welcome.

However, we would recommend consideration of whether it is necessary for provisions to extend to the use of such traps in a domestic setting by an individual landowner, particularly given the increased bureaucratic burden on such persons.

As a more general observation in relation to the various licence regimes introduced or extended by the Bill, we note that having separate licensing regimes for different activities risks the creation of unintended consequences given the potential for interactions with other land management and use matters, and the potential confusion for those operating in the sector.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Don't know

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Please see our response to Q2.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Don't know

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

Any legislative or regulatory measures should be informed and supported by a robust evidence base, policy analysis, and be a proportionate response to the intended aims.

We refer to our comments at Section 1, question 1 of the Consultation Response, in particular that licensing itself may not act as a deterrent for raptor persecution and wildlife crime – although it will turn greater attention on landowners, which may help to bring these

issues into focus. In itself, we do not consider that the introduction of a licensing regime will fully resolve these issues, and this will need to be supported by enforcement and information sharing generally. In addition, it is important to consider the whole way in which the grouse moor landscape is managed, not just wildlife crime.

We would highlight that the increased bureaucratic burden risks being disproportionate, particularly given the limited scope of the proposed additional regulation at present.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Don't know

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

We note that Section 7 of the Bill, which inserts a new section 16AA after section 16 of the Wildlife and Countryside Act 1981, provides that such a licence “may be granted or renewed for a period not exceeding 1 year”. We refer to our concerns regarding the term of such a licence noted at Section 1, question 8 of the Consultation Response, in particular that we consider that a maximum one-year period for a licence has the potential to be unduly burdensome for both the licensing authority, applicants seeking a licence and potential consultees such as Police Scotland and others. This however depends on the procedure involved – if an application for renewal is straightforward, this may limit the burden on all parties.

In addition, a maximum one-year period does not give a great deal of certainty to those operating in this sector, with many people booking shooting activities well in advance. In this regard, a longer period, such as three or five years may be more appropriate. With a longer licence period, there would still be an opportunity for the regulator to intervene if necessary. If licences were to be granted for a longer period, we consider that it would be appropriate for powers to be in place to review and alter the licence if appropriate. We recognise that granting licences for a maximum of one-year supports adaption and changes being made to the licence at renewal if appropriate.

Alternatively, there are other licensing regimes, for example civic licensing, that use a three-year timescale which can be reduced to one-year depending on the circumstances. This may offer a more flexible approach than limiting to a maximum of one-year.

We note that there may be benefits to dovetailing licensing requirements with the proposed requirements for management plans as set out in the recent Land Reform consultation.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**



We note that the proposal would extend the existing investigation powers of inspectors appointed under section 49(2)(a) of The Animal Health and Welfare (Scotland) Act 2006 to include the investigation of offences under Part 1 of Bill and Part 1 of The Wildlife and Countryside Act 1981.

We consider that the most appropriate bodies for law enforcement and prosecution in Scotland of the offences under the Bill are Police Scotland and COPFS respectively. Whilst we note the current investigation powers of the Scottish SPCA in relation to specific animal welfare issues, we would not generally consider it appropriate that wider criminal investigation powers would be extended to it, particularly given its role and function as a registered charity.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Don't know

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

We consider that extending the existing licensing regime will ensure greater control over muirburn and has the potential to develop greater information about its impacts.

We would, however, highlight the existing legislation governing the making of muirburn, which is supplemented by the Muirburn Code. Whilst we welcome updated, clearer, or consolidated legislation, given the existing legislative provisions governing this area we are unsure whether further statutory provisions are needed.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Don't know

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

Please see our response to Q7.

# **The Scottish Country Sports Tourism Group (Country Sport Scotland)**

Country Sport Scotland is a non-profit organisation set up to represent and market the value of country sports tourism to Scotland. The organisation is supported by other private and publicly funded organisations. We market Scotland as a leading destination for country sports to both the domestic and international markets and support our members in voicing issues and concerns which do not positively support industry growth for country sports tourism.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

There is no evidence that additional regulation on the use of wildlife traps is necessary. It would be possible to maximise adherence to best practices and reduce the probability of non-target catch through the provision of training alone.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

The proposal to subject wildlife traps that kill instantaneously to unique licence numbers is disproportionate and likely to result in unintended consequences. Unique licence numbers should only be applied to live capture traps where there are heightened animal welfare considerations.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

If licensing is introduced, it would be completely disproportionate, unreasonable and discriminatory for NatureScot to interfere with the right to shoot grouse for any reason other

than robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The Bill gives NatureScot the discretionary power to grant or refuse licences on the basis of its perception of “appropriateness”. This is a very broad test that could result in licences being refused for any number of reasons. It cannot be right that licences are refused on lower grounds than suspension or revocation.

The Licence Period:

The Bill says licenses may only be granted for a maximum period of 12 months. Businesses will therefore not know from one year to the next whether they are able to operate. This uncertainty will severely inhibit their ability to plan for the future, take on employees and invest in rural Scotland.

This will, in turn, disincentivise grouse shooting and moorland management more broadly, which will have adverse downstream consequences for the economy and the environment. Grouse moor management is a long-term investment and the licence duration should reflect this reality.

The Country Sports Tourism Market:

This could also have a detrimental impact on visitors from and outwith Scotland and their ability to participate in this sport, which contributes to the local economies and many visitors also go on to support other tourism businesses during their sporting vacations.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Scottish SPCA staff are overt in their expression of partial views (including around legal land management tools and countryside activities) which could lead to investigations being tainted by bias.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

Muirburn is conducted with absolute professionalism and in accordance with best practice by the vast majority of grouse moor managers. The provision of training should be considered as a mechanism for maximising professional standards and adherence to best practice before further regulation is considered.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

Probing every inch of ground is practically impossible and would be damaging to the peat. This approach to licensing could result in responsible people inadvertently breaking the law. It also makes the law difficult for NatureScot to enforce in practice. This lack of certainty makes the licensing system unworkable.

# **Tulchan Sporting Estates Ltd**

A Highland sporting estate with fishing, stalking, shooting (high & low ground), farming, tenant farmers, forestry, hospitality and food business.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Wildlife traps are already carefully monitored and in most cases anyone who uses the traps undertake voluntary training. The current regulations around the traps provide enough of a framework to ensure there is minimal threat to non target species and that target species are dealt with as humanely as possible. Any increased legislation may well have the adverse effect of making traps almost too difficult to use which would only damage biodiversity as wildlife such as curlew & golden plovers benefit hugely from the control of their predators.

Any increased regulation would need to be robust enough to ensure that there was little chance for vexatious sabotage of traps resulting in the potential loss of employment for the keepers. I am very disappointed that there is no provision for making interference, tampering or sabotage of traps an offence. Any professional keeper will manage their traps to the highest standard and they should be protected from interference by those who do not agree with shooting as it can have a serious impact on their homes and livelihoods. This bill goes no way to providing that protection by allowing for the prosecution of anyone who tampers with traps.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree reasons**

Unique Licence Numbers are used in live capture traps for the benefit of animal welfare. In my opinion, a ULN for kill traps would only make it easier for a keeper to be personally targeted by anyone who doesn't agree with shooting and their profession. The bill provides no protection from this as there aren't any consequences for anyone who interferes with or sabotages a trap. Any misuse would need to be able to be proved unequivocally before a licence was removed as it would have catastrophic consequences for employment as a vital income stream could be lost and so it would very likely result in the loss of employment and

housing. How would a vexatious claim be safeguarded against? There is just no protection for anyone involved in the shooting industry, whether as an employee or employer from potential sabotage from anyone who is opposed to it.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

If the reasoning behind additional regulation could be shown to be driven by clear evidence that it is required to protect the biodiversity of any land managed for grouse shooting then I would not oppose it. As it is, there is little evidence that there is any need for increased regulation other than because it will make it much harder and less appealing for a moor to be managed for this purpose. There are stringent regulations in place already to ensure that any raptor persecution is appropriately dealt with and this is absolutely right. There is no place for it and opposition to increased regulations is purely because of the need to protect our ability to carry out the management of land for the shooting of red grouse with its benefits for bio-diversity & direct and indirect employment. Without the associated income, whether shooting or the associated hospitality, employment would certainly decrease and the land would be unmanaged to the detriment of all species that rely on its sympathetic and careful management.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The bill is very vague as to what would constitute a reason for a licence to be refused or revoked. How is "appropriateness" measured or defined? There must be very clear, unequivocal reasons for a licence to either be refused or revoked. It cannot have any element of subjectivity. Landowners must be protected from an individual's personal feelings or agendas when the outcome of a decision could have such serious consequences for those employed by the estate, directly and indirectly. The nature of the current proposal doesn't give me any confidence that the proposed system would be managed in an efficient & fair way which is hugely concerning as so much relies on our ability to manage the land in the most effective way. Unless an income can be generated, we will not be able to continue our management that results bio-diversity and restoring peat for the benefit of our climate. Not only this, but there would certainly be a loss of jobs reducing employment in a rural area.

Of course, if there was clear and undisputed evidence that an employee on an estate had carried out illegal predator control, it is right that there are real consequences but these are already in place. Once again, there are no consequences for anyone who tries to sabotage an individual or estate for vexatious reasons driven by an anti-shooting agenda.

The length of the licence is also a concern. If it can only be issued for a year at a time, how are we meant to have any business certainty? Land management businesses do not have a

quick turn around, management decisions often take a number of years to be fully realised and if there is an annual need to re-apply for a licence that could be revoked for unclear reasons as the bill currently allows, how can a long-term strategy be built? If the ability to generate income from the land is removed, then the employees will be lost and so therefore the work to promote bio-diversity and conserve the land for the long term benefit of the climate will be left undone. Like any other business in Scotland, we should be provided with some security that our ability to operate cannot be removed for any reason other than serious i.e. criminal conduct. Without this, the productive management of the land for everyone's benefit will not be able to continue.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

The Scottish SPCA are a charity. They are not a crime fighting agency. The police have the powers, training and skills to objectively and fairly investigate any suggestion of wildlife crime. The SPCA do not have this training and should not be able to conduct any investigations. How would they be held to account should an investigation be biased and result in a wrongful conviction resulting in loss of livelihood for anyone involved as would absolutely be the case? The police work within a framework to prevent this but would the SPCA? It would open up yet another way for personal convictions regarding shooting to potentially have a very negative impact on the lives of those involved in it.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

If there was clear and unequivocal scientific evidence that the way muirburn was currently being carried out was damaging the environment or bio-diversity then of course regulations should be introduced to prevent this from happening. This however is not the case; in fact the opposite is true – science shows that the muirburn in its current form delivers the best outcomes for peatland carbon balances, bio-diversity and wild fire mitigation.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

Where is the scientific evidence to show that this is necessary? The administrative burden as a result of introducing this would totally outweigh any perceived benefits. If scientific

evidence showed that burning peat over 40cm was detrimental, we would happily not burn in those areas as we have no interest in damaging the land we love and manage. However, this doesn't seem to be the case. The motivation behind this seems to be to outlaw any form of muirburn by making it virtually impossible to carry out in a legal manner. Peat depths vary within very small areas and so incursions on areas with a greater peat depth may occur even when extensive probing is carried out. If muirburn is lost as a management tool, the hill will become far less productive in terms of food sources for many species including golden plover, curlew, eagles & other raptor species. All these rely on a variety of plants for food sources, whether they are primary or secondary. If muirburn is removed, heather will continue to grow to a depth that wipes out any other species and leaves so much cover that raptors struggle to capture any quarry. Rank heather only acts as a food source for wildfire, not for the wide variety of species that currently live on our hill. Whilst swiping is a possibility, it isn't as effective as muirburn as it fails to stimulate the seedbed in the same way as muirburn which is far more effective. The cuttings left behind also provide a good fuel source for wildfire which does a lot more damage than controlled muirburn.



# **Tullybeagles Ltd.**

The company is responsible for managing a rural Estate.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

Trappers already have to operate to high standards due to the legislation governing it. Many have chosen to undertake training voluntarily.

There is no evidence to suggest that further regulation is necessary.

We believe it should be an offence to tamper with, interfere with or sabotage a wildlife trap, with severe penalties for those found doing so.

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

Unique licence numbers for traps, which kill instantly is disproportionate. Unique licence numbers should only be applied to live capture traps where animal welfare could be an issue.

Interference with unique licence numbers concerns as it is an easy way to sabotage a law abiding licence holder. Again, we believe it should be an offence to tamper with, interfere with or sabotage a wildlife trap, with severe penalties for those found doing so.

It would be disproportionate and unreasonable to suspend, revoke or modify a licence for any crime other than those relating to the use of wildlife traps.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. Police investigations can easily be triggered by malicious or vexatious allegations.

NatureScot should not be given the power to decide whether it is appropriate to grant a licence. Licences should be granted unless there is proof beyond reasonable doubt that an offence in relation to the use of wildlife traps has been committed.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

The official wildlife crime record indicates that incidents of raptor persecution in relation to grouse moor management are now at historically low levels. It is wrong that grouse moor owners and occupiers are being singled out for a punitive civil sanctioning regime against that background.

There are already robust measures in place to deter and punish the persecution of raptors in Scotland.

These include recently strengthened criminal penalties (including unlimited fines and lengthy prison sentences), the introduction of vicarious liability for landowners and the option for NatureScot to impose restrictions on the use of general licences.

If licensing is introduced, it would be completely disproportionate, unreasonable and discriminatory for NatureScot to interfere with the right to shoot grouse for any reason other than robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The licensing scheme is unworkable on a practical level and unfairly singles out grouse moor operators for punitive civil sanctions without justification.

Application:

The right to shoot grouse should only be interfered with if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

The Bill gives NatureScot the discretionary power to grant or refuse licences on the basis of its perception of "appropriateness". This is a very broad test that could result in licences being refused for any number of reasons. It cannot be right that licences are refused on lower grounds than suspension or revocation.

NatureScot's licensing team is already overburdened. The discretionary application procedure proposed is likely to result in inordinate delays.

#### The Licence Period:

The Bill says licenses may only be granted for a maximum period of 12 months. Businesses will therefore not know from one year to the next whether they are able to operate. This uncertainty will severely inhibit their ability to plan for the future, take on employees and invest in rural Scotland.

This will, in turn, disincentivise grouse shooting and moorland management more broadly, which will have adverse downstream consequences for the economy and the environment. Grouse moor management is a long-term investment and the licence duration should reflect this reality

#### Modification:

The Bill says licences may be modified by NatureScot at any time, even if there is no allegation or evidence of wrongdoing against the license holder or person managing the land. That is unfair, disproportionate and will create uncertainty. Modification is a penalty, and penalties under the scheme should only be triggered if there is robust evidence that proves beyond reasonable doubt that raptor crime had been committed on the estate by a relevant person.

#### Suspension and Revocation:

The consequences of licence suspension or revocation would be devastating for the grouse rightsholder, their employees and the wider community. Jobs, homes and businesses would be lost. It would be disproportionate and unreasonable to suspend or revoke a licence for behaviour that is not criminal (such as failure to comply with a condition of the licence or guidance contained in a code of practice).

The only trigger for any adverse licensing decision (be it refusal, modification, suspension or revocation) should be robust evidence that proves raptor crime had been committed on the estate by a relevant person beyond reasonable doubt.

The broad definition of relevant offences is discriminatory. It cannot be right for offences that have no connection to the management of grouse moors to be triggers for imposing sanctions.

On a one-year licensing system, the difference between suspension and revocation is academic. It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that raptor persecution had been committed by a relevant person beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

Overall, the licensing scheme is discriminatory because it will result in people with the right to shoot grouse being penalised to a much greater extent than any other class of people for activities that have no correlation or connection to grouse moor management and without criminal wrongdoing being proved beyond reasonable doubt.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Affording charities statutory powers to investigate any crime sets a dangerous precedent. There would be a deficit of accountability and oversight of their work.

Scottish SPCA staff are not vetted nor trained to the same standard as police officers, which could potentially compromise wildlife crime investigations.

Scottish SPCA staff are overt in their expression of partial views (including around legal land management tools and countryside activities) which could lead to investigations being tainted by bias.

The partial views of the Scottish SPCA in relation to legal land management tools and countryside activities has resulted in an erosion of trust and confidence in the charity among many landowners and land managers.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

The latest science suggests that muirburn is delivering the best outcomes for peatland carbon balances, water tables, nutrient content, methane reduction and wildfire mitigation compared to cutting vegetation and leaving vegetation unmanaged. Additional regulation has the capacity to detract from these important benefits.

Muirburn is conducted with absolute professionalism and in accordance with best practice by the vast majority of grouse moor managers.

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

The definition of peatland is arbitrary and illogical. There is no science to support the introduction of greater controls on burning where there is peat deeper than 40cm.

The licensing system puts the onus of determining whether the land is peatland or not peatland on the licence applicant, despite the policy memorandum acknowledging that Scotland does not currently have soil mapping data for peat with a depth of 40cm.

NatureScot's recent review of the evidence on muirburn confirmed that the only way to measure peat is to use a peat probe. Peat depth can be highly variable across a small area, meaning it will be impossible for an applicant to determine, with absolute certainty, whether the land to which the licence relates is peatland (defined as peat deeper than 40cm) or not peatland.

Probing every inch of ground is practically impossible and would be damaging to the peat. This approach to licensing could result in responsible people inadvertently breaking the law. It also makes the law difficult for NatureScot to enforce in practice. This lack of certainty makes the licensing system unworkable.

It would be disproportionate and unreasonable to give NatureScot the power to decide whether it is 'appropriate' to grant a licence. Licences should be granted unless NatureScot has evidence to suggest a crime in relation to muirburn had taken place beyond reasonable doubt.

It would be illogical, disproportionate and unreasonable to only grant peatland licences where no other method of vegetation control is available. Other methods of vegetation control lead to worse outcomes, especially for purposes relating to preventing or reducing the risk of wildfire. For example, cutting vegetation leaves behind brash which can dry out in summer months, producing ideal tinder for smouldering and wildfire ignition. This is counterintuitive to the stated licensable purpose.

It would be disproportionate and unreasonable to suspend a licence because of the initiation of a police investigation. NatureScot should have to be satisfied that an offence in relation to muirburn had been committed beyond reasonable doubt. Police investigations can easily be triggered by malicious or vexatious allegations.

# **WASPSRATS.COM**

Working in pest control services for domestic and commercial area.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Don't know

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Don't know

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Don't know

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Don't know

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Don't know

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Don't know

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Don't know

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

# **West Mon Gun Club**

Game and rough shooting

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

No

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

No

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

No

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licensing agree reasons**

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

No

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

No

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

No

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**



**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

No

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

No

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**

## **Wild Animal Welfare Committee**

The Wild Animal Welfare Committee is an independent group providing an evidence base for evaluating, monitoring, assessing and improving decisions affecting the welfare of free-living wild animals in the UK. The WAWC highlights the importance and value of wild animals in general, and promotes the welfare of the individual in particular. The WAWC commissions and publishes independent reports on contemporary wild animal welfare issues of public and political concern. The WAWC aims to reduce harm to wild animals and prevent suffering caused by human activity and works to promote the awareness and improvement of wild animal welfare. The WAWC disseminates objective information on a range of wild animal welfare topics and engages with organisations that can contribute to its evidence base.

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Agree with ban?**

Yes

**Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)? - Reasons agree with ban**

The WAWC believes that the evidence that glue traps are inhumane is irrefutable. The continued use of glue traps is a major welfare concern. Therefore, acting as soon as possible is imperative.

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - Agree with question**

Yes

**Do you agree there is a need for additional regulation of the use of certain wildlife traps? - additional regulation of the use of certain wildlife traps**

The WAWC believes that the precautionary principle should be applied to the killing of wildlife and that this should apply to both the reasons for the killing and to the methods employed. First, if there is no compelling and robust evidence of the benefit of the proposed killing of wildlife then it should not take place. Second, where there is evidence that there is a benefit (with the burden of proof resting with the proponents) and alternative, non-lethal methods have been unsuccessful in solving the 'problem' then the methods deployed must

have been demonstrated to be humane – again, the burden of proof must rest with the proponents.

There is little or no data about the humaneness of many traps and other wildlife killing methods. Therefore, in principle, WAWC believes that methods of trapping and killing should not be authorised for use by anybody until and unless a root and branch review of the evidence about the humaneness of these methods has been completed.

WAWC has produced detailed position papers on both lethal and live trapping – these can be accessed by following the links below. One overriding principle is that the use of traps, along with other methods of wildlife control, should be made subject to ethical principles, such as the international consensus principles for ethical wildlife control (Dubois et al., 2017). These state that human behaviours should first be modified and then if wildlife control is considered necessary it should be justified with evidence that substantial harm is being caused to people, property, livelihoods, ecosystems, and/or other animals. Where control, lethal or non-lethal, is still considered to be needed, it must be carried out using recognised methods with the lowest overall welfare impact. The WAWC believes that these principles should form the basis of the licensing process.

<https://static1.squarespace.com/static/5edf4fd72d25275e3acc8c4a/t/60354fa70c52971e2c45fa40/1614106535894/WAWC+Position+Paper+1.+Lethal+traps+for+terrestrial+mammals.pdf>

<https://static1.squarespace.com/static/5edf4fd72d25275e3acc8c4a/t/633606dbf3aacb40f2e19e36/1664485125445/WAWC+Position+Paper+2+Live+Trapping+Terrestrial+Mammals+and+Birds+260922.pdf>

Dubois S, Fenwick N, Ryan E, Baker L, Baker S, Beausoleil N, Carter S, Cartwright B, Costa F, Draper C, Griffin J, Grogan A, Howald G, Jones B, Littin K, Lombard A, Mellor D, Ramp D, Schuppli C and Fraser D, 2017. International consensus principles for ethical wildlife control. *Conservation Biology* 31: 753-760.

<https://conbio.onlinelibrary.wiley.com/doi/full/10.1111/cobi.12896>

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree**

Yes

**Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)? - licencing agree reasons**

As the WAWC noted as part of the initial consultative phase, the licensing scheme needs to be properly resourced. It will need an appropriately-sized and resourced administration, an inspectorate empowered and resourced to make the initial assessment to grant a licence and sufficient resources for relicensing, periodic inspection and, where appropriate, to take enforcement action.

We note from the Policy Memorandum that, “although NatureScot does not currently operate licences on a cost recoverable basis, the Scottish Government/Scottish Green Party Shared Policy Programme contains the commitment to review the wider species licensing system and assess the potential to apply the principle of full cost recovery to species licensing”. The provision in the Bill for possible introduction of charges at a later date, by providing that the

licensing authority may charge a reasonable fee, is sensible and we think it will be necessary.

The scope and renewal frequency of a licence are also important. We agree with the proposal for annual renewal. In relation to when wildlife management is undertaken in an approved manner, there should also be a requirement to reflect on what has been achieved. Part of this could be addressed during any licence renewal process to assess how all interventions (both prevention and killing) are working. Thus, a review of each individual licence is an important part of the licensing system. In addition, there should be an overall review of the animal welfare benefits of the new legislation after a suitable period following implementation. This could take place on a five-yearly basis, consistent with the measures for reviewing the Codes of Practice for licensing of land used to shoot red grouse and for muirburn.

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - need for the additional regulation**

Yes

**Do you agree there is a need for additional regulation of land to be used to shoot red grouse? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - agree with the proposed licensing system**

Yes

**Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)? - Please provide your reasons for your answer in the box provided.**

The WAWC recognises that the detail of the licensing scheme and code of practice will be of significance to protect the welfare of grouse and other moorland wildlife.

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - proposal to give the Scottish SPCA additional powers**

Yes

**Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)? - Please provide your reasons for your answer in the box provided.**

Wildlife crime has repeatedly been shown to cause significant unnecessary suffering to wild animals, yet the investigation of these offences can be severely hampered by the paucity of available police resources to carry out timely investigations. The Scottish SPCA is an independent charity regulated by the Office of the Scottish Charity Regulator and a reporting agency to the Crown Office and Procurator Fiscal Service. The WAWC is sure that the public would welcome additional experienced resources being made available for the investigation of these crimes.

**Do you agree there is a need for the additional regulation for muirburn? - need for the additional regulation for muirburn**

Yes

**Do you agree there is a need for the additional regulation for muirburn? - Please provide your reasons for your answer in the box provided.**

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - the proposed licensing system for muirburn**

Yes

**Do you agree with the proposed licensing system for muirburn (sections 9-19)? - Please provide your reasons for your answer in the box provided.**