

SCOTTISH BORDERS COUNCIL

DEER MANAGEMENT STATEMENT 2019 – 2024

PREFACE

This Deer Management Statement has been prepared for Scottish Borders Council (SBC) and has been funded by Scottish Natural Heritage (SNH). The statement outlines the basic working structure and legal framework by which deer management will be conducted on SBC land, and what strategic and communication issues need to be considered going forwards.

1. PURPOSE OF DOCUMENT

The purpose of this Deer Management Statement is to provide:-

- (a) an agreed statement of the shared views of the staff and Members of the Scottish Borders Council (SBC) about the management of wild deer in the council area, as articulated in *Wild Deer: A National Approach* (WDNA);
- (b) an agreed set of the actions to ensure that deer management in the area is in line with those shared views;
- (c) an agreed set of actions that will identify and deliver wider relevant public interests and benefits throughout the area;
- (d) an agreed pattern of arrangements to try and ensure that the actions are implemented and their effectiveness monitored;
- (e) a document that acts as a ready source of information for staff, elected members, neighbouring landholdings and the general public alike, clarifying points of contact, and setting out how communications can best be received and addressed.

This document gives appropriate oversight of the issue, and seeks to put the importance of deer management in an appropriate overall context. At present, and for the foreseeable future, deer management in the Scottish Borders Council area is not a major consideration, and SBC should be able to discharge their responsibilities with relatively little ongoing input. Analysis of the various issues relating to deer is set out in **Background Information & Analysis** and is presented as an Appendix, as is a **Working Plan** and a series of appropriate maps. It is recommended that these documents plus any ongoing record of meetings is made available through a single webpage within the SBC website, so that all activity relating to this issue can be easily accessed and monitored.

2. SCOTTISH BORDERS COUNCIL

The Scottish Borders Council (SBC) area extends to 4743 sq km, and has its administrative HQ in Newtown St Boswells. In 2015, there was an estimated population of 114,030 people living in the area which includes towns such as Eyemouth in the east through Kelso, Jedburgh, Hawick, Melrose, Galashiels and Selkirk to Peebles in the west. These settlements cover less than one percent of the land area, which is largely dominated by extensive hill grazings with good quality arable land to the east and very extensive swathes of commercial conifer plantations to the west and south-west. SBC borders the local authority areas of East Lothian, West Lothian, Dumfries & Galloway and South Lanarkshire. The area borders with England to the south and the North Sea forms part of the boundary to the east. For a map of the Scottish Borders Council area, see **1. SBC Location Map**.

There are four existing deer management group areas either within the local authority area, or which border with it. See **2. SBC DMG Areas map**.

3. AREA COVERED BY PLAN

This plan covers the area owned and managed by Scottish Borders Council. While effective deer management in some areas may require co-ordination with other parties, the focus of this document is setting out priorities and justifications for

Scottish Borders Council land only. It is not a document covering the wider Scottish Borders area, although some recommendations for effective liaison with others are set out.

SBC is different from neighbouring local authorities in that it owns and manages a very small proportion of the land area and therefore, in terms of deer management, its ability to take a lead in local circumstances is very limited.

4. DEER SPECIES PRESENT

Roe deer are present throughout the Scottish Borders Council area, with highest numbers in mixed woodland/ agricultural areas, and lesser numbers of animals on the more extensive hills and open agricultural landscapes. Roe deer are commonplace in and around the various settlements where SBC own most of their land.

It is not known what numbers of red deer may be present in the SBC area, but they may well be present in forestry towards the west of the local authority area. It is highly unlikely that red deer will impact on any land managed by Scottish Borders Council.

Sika deer are present in significant numbers in the forested areas of the west and south of the region, and the Borders Deer Management Group in particular was set up to manage this population. Sika deer are unlikely to impact on land managed by SBC, although they are in the Peebles/ Innerleithen area.

Finally, there is a small population of fallow deer around Peebles, and these might in future need to be considered in relation to road accidents in that area.

5. LEGISLATIVE BACKGROUND

The primary piece of deer legislation in Scotland is the *Deer (Scotland Act) 1996*, which sets out statutory seasons within which culling can take place, special authorisations where necessary, and a range of mechanisms which allow Scottish Natural Heritage (SNH) to intervene in the public interest if that is required.

Subsequently, the inclusion of Section 27 in the *Wildlife and Natural Environment (Scotland) Act 2011* resulted in the introduction of a new Section 5a in to the *Deer (Scotland) Act 1996*, which states:

“SNH must draw up a Code of Practice for the purposes of practical guidance in respect of Deer Management.”

This led to the introduction of the *Code of Practice for Deer Management* (the “Deer Code”), which places a duty on all land managers, including public sector owners, to manage deer sustainably. The primary aim of “sustainable deer management” is to integrate the benefits of an adaptable deer management strategy with the economy, environment, people and communities on the land while upholding deer welfare.

There is much debate about the legal basis of the Deer Code. In practice, it sets the tone for how deer management and related communications should take place, and is widely accepted across the deer management industry and government.

Beyond these core pieces of legislation concerning management of deer, there are related areas of legislation covering firearms, food hygiene, land reform and

protection of natural habitats, with the latter including legislation at Scottish, UK and EU levels.

6. SCOTTISH BORDERS COUNCIL DEER MANAGEMENT VISION

Scottish Borders Council supports the long term vision for deer populations and their management as laid out in *Scotland's Wild Deer – A National Approach*. SBC also fully support the *Code of Practice on Deer Management*, and all work is carried out in accordance with the *Best Practice Guides*, which continue to evolve.

- Deer populations will be managed sustainably so that their management is fully integrated with all local land uses and land use objectives.
- Such management will ensure high standards of deer welfare and public safety, and play a constructive role in the long term stewardship of local habitats.
- Local deer management will continue to deliver and further develop its positive contributions to the rural economy. Deer management and wildlife management more generally within the council area will be seen as an attractive and worthwhile occupations and activity associated with high standards of skills and employment practice.
- Mindful of the considerable amenity value placed on deer by local residents, SBC will always seek to carefully justify any interventions with deer before being actioned. There must be a clear public interest reason for doing so.

7. STRATEGIC OBJECTIVES

The main objectives for the council's deer management during the period of this Statement, are as follows, in all cases adhering to Best Practice Guidelines:-

- (1) To achieve an appropriate balance between deer and their habitat, and between deer and other land uses, to minimize unacceptable damage to agricultural, forestry or local amenity, and to maintain and improve the condition of the natural heritage.
- (2) Specifically, to try and reduce road traffic accidents involving deer to minimal levels
- (3) There is no sporting management on Scottish Borders Council land.
- (4) To market and utilize and venison produced to best advantage, where/ if appropriate. SBC do not currently produce venison, but they do have a statutory role in inspecting deer larders and food businesses.
- (5) To safeguard and promote deer welfare within the Scottish Borders Council area including, where necessary, the culling or dispatch in a safe and professional manner according to industry Best Practice standards
- (6) To ensure that such resources, training and monitoring capacity as are required to achieve the above objectives are made available.
- (7) Where appropriate, to provide site specific management advice or information.
- (8) To sure that an effective system of communication is in place for the internal purpose of staff and members, for the wider community of the area and for external agencies and other interested parties.

8. CURRENT POSITION WITH REGARDS TO DEER CULLING ON SBC LAND

Scottish Borders Council do not currently shoot any deer on any of their properties, and there is no record of them having done so.

The only exception to this is the larger areas of Common Good land, which are managed under a range of agricultural tenancies. Within these tenancies, occupiers will exercise their rights to cull deer so as to control numbers and protect crops and other interests. There is no record of how many animals, if any, are culled annually.

On this land, SBC can exercise their rights as landlord to take on their concurrent rights to cull deer if there is a clear public interest reason for doing so. At present, there is no information to suggest that this is necessary.

More generally, analysis of the areas of public interest would suggest that the requirement/ justification for SBC to become involved in culling deer is very low, and that the current practice of not culling any deer is the correct policy to follow.

Given the wide range of different communities and opinions that SBC serves, it is especially important that any decision to cull deer is carefully evaluated and properly justified.

SBC will only intervene if there is a clear public interest justification for doing so.

9. EVALUATION OF SPECIFIC SITUATIONS

The default position is that SBC are not currently culling any deer, and it is likely that this position will continue.

Should specific new situations need to be considered, SBC will follow the following suggested routine:

- The staff within the Environment & Infrastructure Department will **assess** the situation against the list of public interest criteria
- A **determination** will be made as to whether intervention is justified.
- A simple plan will be prepared, detailing likely numbers and timescale required, on which the decision can be **evaluated**
- The decision will be **verified** by the line manager.
- The plan will then be **actioned** by suitably qualified and experienced personnel.

It is suggested that the threshold for implementing any decision to cull deer should be high, in order to deter small scale or nuisance issues.

More generally, SBC will carefully evaluate any significant land use decision that may, inadvertently or otherwise, create a need for deer to be culled.

10. REPORTING UNITS

One of the most important functions of this document is to set out at what level deer management issues should be reported on. With almost all SBC land being concentrated around settlements and occupying such a small proportion of the land area, it would not be appropriate to report information at a ward level, although in terms of Council administration and political oversight, this would be a more relevant way of delegating responsibility.

It is therefore recommended that the most appropriate “reporting units” for reporting deer information will be at a settlement level, but delegation of tasks and responsibility will be undertaken at a ward level. It is likely that key staff may have responsibility across a number of wards, or indeed, across the whole SBC area.

For the purposes of this statement, the settlements for reporting deer information are: Coldstream, Duns, Eyemouth, Galashiels, Hawick, Jedburgh, Kelso, Lauder, Melrose, Newton St Boswells, Peebles & Innerleithen, Selkirk and Stow. There are areas of SBC owned land in smaller settlements, but it is suggested that the above listed towns and villages be considered in the first instance, and other reporting units can be added if that is appropriate.

Of the thirteen areas listed, Hawick, Selkirk, Lauder and Peebles & Innerleithen should be prioritized above the others although, as noted elsewhere, SBC should also keep a note of deer- vehicle collisions on the A1.

SBC will respond to issues on SBC owned land, at a local level using appropriate resources as required. Responses may cover several wards, or indeed, all SBC land. It is unlikely, given current information, that such responses will be required.

11. COMMUNICATIONS

This Deer Management Statement and accompanying documents and maps will be made publicly available on the SBC website.

All enquiries regarding deer management on Scottish Borders Council land should be made to the following contacts:

Primary Contact

Estates Team

Email: EstateManagement@scotborders.gov.uk

Secondary Contact

Ecology Officer

Email: ecology@scotborders.gov.uk

Scottish Natural Heritage Contact Details

Kevin McCulloch | Operations Officer – South | NatureScot | Strathallan House, The Castle Business Park, Stirling, FK9 4TZ | 01738 458838

Scottish Borders Council will seek to respond quickly to any requests from media sources or the local public for information, and individual staff members may

arrange, from time to time, appropriate open days and information events if these are requested or deemed to be useful.

Scottish Borders Council welcomes comment on all matters either directly or indirectly associated with deer management within the SBC area.

SBC staff will look to reply to all enquiries from the public quickly and effectively, typically within 10 days, and will sanction immediate action if this is justified. If the issue is of a more strategic nature, SBC staff may wish to consult with others before recommending any form of activity. Members of the public should acknowledge and respect the approach advocated by SBC staff in relation to any specific issue.

12. TRAINING POLICY

Should deer culling become necessary, Scottish Borders Council will consider using in-house personnel to carry out the culls. SBC will encourage and facilitate the attainment of all qualifications and training necessary for the delivery of effective deer management within their area of operation, and support continuing professional development (CPD) through the adoption of Best Practice Guidance and relevant courses. Stalking personnel will be selected and supported with this ethos in mind.

The recognized and recommended industry standard for culling deer is that all personnel involved in deer management should attain Deer Stalking Certificate level 1 (DSC1) or equivalent.

The DSC Level 2 qualification is increasingly held as the de facto industry standard for professional stalkers, which requires the identification, stalking, dispatching and larding of deer under supervision.

All personnel requiring to take deer under special authorizations, such as at night or out of season, must be on the SNH "Fit & Competent" register. The requirement for this is to hold the DSC Level 2 qualification, or DSC Level 1 plus two references.

All personnel are encouraged to be proficient in First Aid, manual handling, ATV driving and maintenance, and other tasks which are central to their job.

13. Code of Practice on Deer Management

The code has been endorsed in this Statement. The terms of the Code will be delivered through implementation of any given actions, and the Code will guide all actions taken by Scottish Borders Council.

The code can be accessed at this link: [Code of Practice on Deer Management](#)

14. Wild Deer Best Practice Guidance

All deer management within the SBC area will be carried out in accordance with Best Practice guidance. [Best Practice Guides |](#)

15. ADMG Principles of Collaboration

The Association of Deer Management Groups (ADMG) Principles of Collaboration are accepted and endorsed by Scottish Borders Council and by individual stalking personnel when evaluating any given situation:

- We acknowledge what we have in common, namely a shared commitment to a sustainable and economically viable Scottish countryside.
- We make a commitment to work together to achieve that.
- We accept that we can sometimes have a diversity of management objectives and respect that diversity.
- We undertake to communicate openly with all relevant parties.
- We commit to negotiate and, where necessary, compromise, in order to accommodate the reasonable land management requirements of neighbours.
- Where there are areas of disagreement we undertake to work together to resolve them.

16. Reporting of Information

SBC will summarize on an annual basis at a settlement level on any deer management activity that has taken place. It is anticipated that no such activity will occur in the foreseeable future.

17. Liaison with Neighbouring land units, other public bodies and the general community

SBC will work together with neighbouring land units as required, and will participate and communicate with local deer management groups where this is important in securing appropriate capacity.

SBC will liaise with other public bodies where initiatives or local actions with relevance to deer are being taken forwards within the wider Scottish Borders Council area.

SBC will work with local communities to develop and deliver suitable local policies and actions with regards to deer in the SBC area, where such measures become necessary. Details of SBC community planning policy can be found at this link:

https://www.scotborders.gov.uk/info/20062/strategies_plans_and_policies/387/community_planning

18. Food hygiene

SBC recognize that they have an important statutory role to play in the local supervision and monitoring of venison larders and food businesses, and will implement this role to support appropriate development of the Scottish Borders venison sector.

19. Reviewing the Statement

This Statement provides an agreed framework for a co-ordinated and co-operative approach to deer management in the area. The actual implementation of the Statement will be decided on an ongoing basis, with scope for staff to adjust and adapt the Plan to meet changing circumstances. To achieve this, the Statement, with its attendant maps and databases, will be published on a dedicated website space. The ethos behind this plan is that it will be regularly reviewed on an annual basis.

SBC staff are encouraged to report all changes in contact details, personnel or management practices that might be relevant to deer management locally, or any potential upcoming projects that might affect deer management within the area, even if such proposals are still at a planning stage.

Scottish Borders Council agree that there will be a more systematic review of the Statement and its provisions during autumn 2024 and thereafter, 2029, and, if considered necessary, the production of a revised edition of the Statement will be actioned at those times.