

8th September 2023

Finlay Carson MSP
The Scottish Parliament
Edinburgh
EH991SP

Dear Mr Carson,

I am writing to you in your role as Convener of the Rural Affairs and Islands Committee. I represent the Scottish Countryside Alliance and its membership. As you are aware, the Alliance has been heavily involved in the process of the Hunting with Dogs (Scotland) Act and has acted as sector lead on behalf of many rural and conservation organisations.

NatureScot has been handed a broad framework by the Scottish Government and has been charged with designing and delivering guidance to accompany the Act, covering the licensing provisions in the legislation. This framework, and the legislation, was clearly not designed to restrict unduly the ability for land managers and conservationists to be able to protect livestock and species of interest, such as the curlew. However, it is clear from the draft guidance that this isn't the case as NatureScot are going beyond the requirements of the primary legislation, and in certain areas actually misapplying the law. We have held a number of meetings with NatureScot and have officially raised our concerns after having sought legal counsel. We await a response, but we are concerned that NatureScot continues to misinterpret and misapply the law on some key aspects of licensing which would have extremely detrimental consequences for livestock, wildlife and for those responsible for land management. Rural organisations had expected more of an input from NatureScot during these meetings but almost no feedback was given following our written submissions after the draft guidance was published.

Many of our practitioner members have stated that they could not operate as the guidance sets out and so farmers and conservationists will have their hands severely tied. Animal welfare is at risk, as too is the future of our iconic species. Earlier this year NatureScot declined an invitation to come to see a day's fox control, taking in much of the varied ground that a typical licence would need to cover. We have again extended an invitation to the licensing team off the back of the draft guidance, so that they can see why it will not work in practice. The consequences of the draft guidance would be catastrophic in its current form and shows a clear lack of understanding of the need for a practical application which applies the law properly.

The Scottish Government has stated that the legislation is likely to be enacted in November this year and this a major source of concern. The applications alone, from just one foot pack society, will number in excess of 70. Combine those with the rest of Scotland and NatureScot will find themselves in over their head and unable to turn the applications around, leaving many without a meaningful way to control foxes while they wait their turn. The amount of data that will have to be collated by landowners and practitioners to complete the applications to an acceptable level will be extremely onerous and time-consuming. Given that we are part-way through September and the guidance is still in a sub-standard draft format, it is clear that neither the applicants nor NatureScot will have sufficient time to prepare and process

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applications in time. Our sector hasn't even had sight of a draft application form as promised, which is concerning. NatureScot also continue to quote snaring as an alternative to having a licence issued, when they are fully aware that ScotGov plan to ban the practice in the coming months. This is misleading at best.

It is our suggestion that the implementation of the guidance and the enactment of The Act be deferred until 2024., allowing fox control societies to complete the work they have to undertake over winter and before lambing and breeding begins. It would also allow NatureScot to monitor closely what actually goes on on the ground so that the guidance can accurately reflect both the law and what is required in order to be reasonable, proportionate and workable in practice. Surely this makes sense as we have but one opportunity to get this right and it may avoid unnecessary legal action which would otherwise be inevitable. Any glitch or poor introduction of a system at such a crucial time of year could be extremely damaging.

Yours sincerely,

Jake Swindells
Director
Scottish Countryside Alliance

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