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### Letter by Scottish Badgers of 01 July 2023

Dear Convener of the Rural Affairs and Islands Committee,

In a letter by Scottish Badgers of 01 July 2023, BASC was accused of providing mistaken evidence in relation to the abundance of badgers on grouse moors.

In this regard we would like to highlight that Scottish Badgers refers to the very same piece of research BASC was referring to in the 3rd evidence session on the Wildlife Management and Muirburn (Scotland) Bill, except that the figure of 0.019 setts/km<sup>2</sup> of the study is rounded up to 0.02 setts/km<sup>2</sup>.

BASC referred to the Scottish Badger Distribution Survey 2006-2009 which clearly shows that of the eight habitats surveyed, heather and bog have the lowest estimated mean number of main setts per 1km<sup>2</sup> of all habitats – i.e. 0.019 main setts/km<sup>2</sup> (Rainey et al., 2009).

The letter continues to insinuate that the low number of badgers on grouse habitat is due to relentless persecution and grouse moor management without providing any evidence of these claims.

BASC proposes to the Committee instead that evidence shows that the low abundance of badgers on grouse moors is a result of habitat and species ecology.

Grouse moor estates exist in areas with Calluna (heather) as this is a key food source for red grouse. However, the suggestion that these are monocultures of Calluna is scientifically established to be incorrect (Tharme et al., 2001; Heinemeyer, 2023).

Heather and bog habitats are highly diverse. Red grouse require a diverse range of species to thrive; for example cotton grasses are a source of protein for brooding hens, chicks require a healthy source of insect life and other dwarf shrubs such as bilberry also provide food and shelter (Moss et al., 1990; Tharme et al., 2001; Heinemeyer, 2023).

These upland areas will also have large swathes of blanket bog habitats on which the water table is high all year-round. This soil type would not be suitable for badgers to attempt to dig a sett, which is according to Scottish Badgers precisely the one requirement badgers need to live. Therefore, large areas of grouse moors will likely be inhabitable for badgers. Furthermore, badgers' habitat preference will also be linked to food availability. Badgers are omnivores and according to Scottish Badgers their main food source is earthworms which makes up 50% of their diet (Scottish Badgers, n.d.). Earthworms occur in very low densities on peat soils ranging from 1 worm/100m<sup>2</sup> on cotton

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grass dominated habitats and 13 worms/100m<sup>2</sup> on heather dominated landscapes (Svendsen, 1957; Cole et al., 2002).

Although badgers can adapt and consume other food sources, these will only be available in these habitats at certain times of year; for example ground nesting birds, chicks, or certain insects. Nutritious plant matter is also only available in high numbers seasonally and would likely not be able to support a high density of badgers, unlike in other habitats.

Therefore, the limiting factors for this species on heather and bog habitats is likely to be food availability and habitat suitability.

Lastly, whilst crimes against badgers sadly do occur, as any other criminal offences. There is an important difference between individually documented cases and an allegation of systemic criminality.

Scottish Badgers refer to incidence reports of 42 killed badgers between 2018-2022 on or next to grouse moor estates. However, they do not give any indication as to whether these incidences have been proven in a court of law to be committed not only by people involved in grouse moor management but also as an element of grouse moor management.

To develop a legal framework like the Wildlife Management and Muirburn (Scotland) Bill, which is based on a presumption of guilt rather than a presumption of innocence is plainly undemocratic and unfair. Such legislation would clearly not be acceptable if it would affect any other minority than the shooting community.

Kind regards,

**Dr Marnie Lovejoy**

Head of Evidence and Environmental Law  
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