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Convener, Rural Affairs & Islands Committee
The Scottish Parliament
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Dear Convener

Wildlife Management & Muirburn (Scotland) Bill: mistakes in evidence 21st June 2023

Scottish Badgers maintains Scotland's only dedicated secure database of badger setts, sightings, incidents, data and reports from the public, law enforcers and other professionals. Scottish Badgers has unrivalled experience of this subject over the past 25 years.

We are writing because mistakes were given in evidence during the RAI Committee meeting on 21st of June 2023. The assertion was made that badgers are not present on grouse moors. On the contrary, there is documented evidence that relentless criminal persecution of badgers on grouse moors takes place linked to estate employees and is carried out by the same persons who kill raptors.

We strongly believe it is important to correct this mistake and request that this letter be published on the Bill website page, distributed to the members of the Committee and substitutes, and the facts corrected elsewhere as necessary.

Badger populations on moorland

An evidence-provider during the Committee's session on Wednesday 21st June gave mistaken information concerning badger sett density stating that "badger setts covered 0.019 per cent per square kilometre in heath and bog. They are simply not there." This is wrong.

It is well-documented in wild mammal research that badgers can live anywhere there is (1) *substrate* suitable for digging setts (except land under permanent water) (2) available food to suit their omnivorous diet and (3) *safety from persecution* (Roper, 2010; MacDonald, 2014).

The Scottish Badger Distribution Survey (SBDS) 2006-2009 reported a mean of 0.02 badger main setts per 1km² in heather and bog habitat. One main sett is synonymous with one social group (which is on average 5 badgers, up to 9, in Scotland). Each social group maintains several auxiliary setts and foraging trails spatially dispersed throughout their territory. Five badgers per 50 km² on moorland is on the low end of the range which leaves the important question:

What are the factors suppressing badger populations on grouse moors?

Persecution. Badgers have been persecuted for centuries but populations were maintained until in the mid 1800's when rail links brought increasing numbers of people from London to Scotland to shoot birds. The killing of perceived predators on estates intensified, badger populations began a sharp decline, and by 1929 the badger had been extirpated from entire counties and deemed "destined for extinction" (Barkham, 2013). Legal protection since 1992 should have allowed badger populations to begin recovery so why are moorland badgers in particular finding it so hard?



A retired wildlife crime officer with decades of experience in Scotland describes how at the turn of the 21st century a further intensification of predator killing began with “some estates with multi-millionaire owners ramping up grouse production”. A list of prosecutions involving persons linked with shooting estates is documented over 114 pages, leading to his conclusion “In the effort to increase the estate’s profits the law is ignored, discarded as inconvenient” and badgers feature alongside raptors as victims (Stewart, 2017). The badger offences that are discovered represent the tip of the iceberg given the remote locations, the lack of access and the wall of silence around offending practices.

Managers and employers of grouse shooting estates are unlikely to be held accountable for badger persecution given the low risk of being caught and the very low risk of the employer gaining a penalty - “knowingly caused or permitted” is exceedingly hard to prove.

Killed badgers. Scottish Badgers records around 80-100 incident reports per year from the public and professionals the majority of which are deemed offences. For locations on or next to estates we have reports that amount to 42 killed badgers (baited, mauled, snared, shot, trapped, dug) over a four-year period (early 2018 to early 2022), although this is inevitably an under-estimate relying on accidental discoveries.

Snares Using snares where badgers live poses a significant legal and welfare problem. The Wildlife and Natural Environment (Scotland) Act 2011 amended the Wildlife & Countryside Act 1981 so that it would be an offence when snares are “so placed as to be likely to cause bodily injury to a Schedule 6 protected animal”. Snare users have had over a decade to show willingness to comply voluntarily but have not done so. Positioning snares by badger paths and foraging areas is stubbornly persistent.

Lack of available food. Moorland managed for food for grouse is a heather monoculture, which beautifully suits grouse but results in loss of plant diversity and causes a cascade of loss of insects, so the food chain collapses and with it the diversity of birds and mammals such as badgers that once enriched Scotland’s moorlands. That a handful of other bird species also benefit is incidental; they are artificially sustained by the endless physical alteration of the moorland environment. We should be concerned about practices that impoverish species richness and terminate biodiversity intactness. In contrast, mainland European moorlands are not subject to ‘our’ kind of management and predators are part of healthy moorland ecosystems (Macdonald 2019).

Examples of badger criminality on estates

A gamekeeper on a prestigious Angus Glens grouse shooting estate was convicted at Forfar Sheriff Court in 2022 for digging out badgers from their setts on or near the estate where he worked over a period of 2 years, engaging in baiting badgers and boasting about injuries suffered by their dogs and the badgers. Dogs with serious facial injuries were housed on the estate where the gamekeeper lived; the dogs were not taken for veterinary treatment. Raptor bodies were also found. The sophisticated investigation, by SSPCA Special Investigations Unit working together with detectives from the Police Division, uncovered a ring of criminal activity across Scotland, where badgers and foxes were baited and mauled by trained working dogs and trophy images shared of animal mutilation. The gamekeeper was handed a prison sentence and served 8 months. The estate denied all knowledge of or connection with his activities.

A gamekeeper on a shooting estate was convicted at Jedburgh Sheriff Court in 2019 of offences of setting illegal snares, possessing illegal pesticides and large-scale killing of by poisoning, snaring, and



trapping. As well as badgers and an otter, his list demonstrated he had killed 42 foxes, 32 cats, 75 rats, 103 stoats, 37 weasels, 90 hedgehogs, five mink, 622 rooks and 81 jackdaws. It is thought that the list covered only one year, on this single estate. He had carried out similar regimes while employed on previous estates over many years.

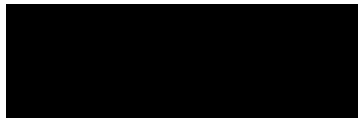
License revocation

There is an absence of accountability and transparency regarding management practices on grouse moors; badger killing, and disturbance is relentless; significant numbers of badgers endure agonising protracted deaths as a result. We see no evidence of improvement and instead hear complaints that badgers should not keep their hard-won legal protection, demonstrating disrespect for legislation. The firm considered view of Scottish Badgers is that Protection of Badgers Act offences should rightly remain on the list of offences that could lead to license suspension/ revocation.

In addition, there is evidence that successful prosecutions of the people who persecute and kill badgers on shooting estates nearly all rely on evidence demonstrating injuries to their dogs. We are strongly of the view that animal welfare legislation offences should be included in the list of offences that could lead to license suspension/ revocation.

We hope this information is useful to the Committee.

Yours sincerely



Dr Elspeth Stirling

Trustee, Secretary to Scottish Badgers

Sources

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Badger sett on heather moorland Scotland

