

Citizen Participation and Public Petitions Committee

15th Meeting, 2023 (Session 6), Wednesday
25 October 2023

PE2035: Recognise legal control of generalist predators as a conservation act

Petitioner	Alex Hogg on behalf of The Scottish Gamekeepers Association
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to officially recognise legal control of abundant generalist predators as an act of conservation to help ground-nesting birds in Scotland.
Webpage	https://petitions.parliament.scot/petitions/PE2035

Introduction

1. This is a new petition that was lodged on 27 June 2023.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition collects signatures while it remains under consideration. At the time of writing, 2,414 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.
6. A submission has been provided by the petitioner. This is included at **Annexe D**.

Action

The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

PE2035: Recognise legal control of generalist predators as a conservation act

Petitioner

Alex Hogg on behalf of The Scottish Gamekeepers Association

Date Lodged:

27/06/23

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to officially recognise legal control of abundant generalist predators as an act of conservation to help ground-nesting birds in Scotland.

Previous action

Writing to MSPs with responses of generalised understanding but no move towards a concrete action. Participating in forums such as The Moorland Forum and Biodiversity Action Groups for species such as Capercaillie. Liaising with NatureScot officials. Taking part in the Understanding Predation work supported by the Scottish Government.

Background information

In a Nature Emergency, legal control of generalist predators (such as foxes and crows) should be recognised as an act of conservation benefitting the survival of ground-nesting birds.

In 2010, the Game and Wildlife Conservation Trust published results of their science at Otterburn which compared plots where predators were legally managed and plots where they were not.

On average, lapwing, curlew, red grouse, golden plover and meadow pipit bred 3 times more successfully where legal predator control was carried out.

Reducing populations of abundant generalists can benefit many rarer and fragile prey species from waders and merlins to common scoters.

Just as the Parliament recognises habitat restoration as an act of conservation, so too, should it recognise control of generalist predators as similar. Both are important if we are to see ground nesting species survive in our landscape.

<https://www.gwct.org.uk/research/species/birds/lapwing-and-other-waders/predator-control-and-moorland-birds/>

Annexe B



The Information Centre
An t-Ionad Fiosrachaidh

Briefing for the Citizen Participation and Public Petitions Committee on petition PE2035: Recognise legal control of generalist predators as a conservation act, lodged by Alex Hogg on behalf of The Scottish Gamekeepers Association

Brief overview of issues raised by the petition

- The petitioner, the Scottish Gamekeepers Association (SGA), argues that legal control of generalist predators, such as foxes and crows, “should be recognised as an act of conservation” benefitting ground-nesting birds, against the backdrop of the nature emergency.
- The petitioner [cites research published in 2010 by the Game and Wildlife Conservation Trust](#) (GWCT) which linked reductions in foxes and crows through predator control with an average threefold increase in breeding success of lapwing, golden plover, curlew, red grouse and meadow pipit.
- Predator control is carried out for a number of different purposes in Scotland – including for conservation (where for example foxes and crows predate on nesting birds and their eggs), protecting agricultural interests, and to maintain or increase red grouse numbers on shooting estates.

Fox control and the law

- Lethal fox control is legal in Scotland, subject to various welfare protections such as those under the [Wildlife and Countryside Act 1981](#) and [Wild Mammals \(Protection\) Act 1996](#), which prohibit control methods considered to be cruel and regulate use of methods such as snares.

- The [Hunting with Dogs \(Scotland\) Act 2023](#) prohibits hunting foxes with dogs (it repealed and replaced previous restrictions in the [Protection of Wild Mammals \(Scotland\) Act 2002](#)).
- In an agricultural context, [the Agriculture \(Scotland\) Act 1948](#) permits the control of foxes (and certain other species) for the prevention of damage to specified agricultural interests such as crops and livestock.
- Foxes can be controlled using a number of methods - principally snares followed by shooting, or free shooting.

Lethal control of crows and other birds

- All wild birds, their nests and eggs are protected by law under [the Wildlife and Countryside Act 1981](#). It is an offence to intentionally or recklessly kill, injure or take any wild bird (apart from [Schedule 2 species outside the closed season](#)), unless licensed to do so by NatureScot (Scotland's statutory nature conservation agency).
- NatureScot issues General Licences each year which allow any authorised person to kill or take certain bird species for particular purposes, without applying for an individual licence. General Licences specify which species they cover, what control methods are permitted and any other conditions.
- [General licences](#) permit lethal control of corvids (the crow family) including hooded and carrion crows for the purpose of conserving wild birds.

SGA calls for more predator control for conservation of Capercaillie

- The [SGA has criticised NatureScot, Forestry and Land Scotland, as well as RSPB Scotland and Wildland \(partners in the Cairngorms Connect project\)](#) for not carrying out sufficient predator control, with associated negative impacts on the breeding success of Capercaillie, a bird considered to be at risk of extinction in Scotland due to various pressures.
- NatureScot [published a Review of Capercaillie Conservation and Management in 2022](#) which recommended a number of interventions to improve breeding success of Capercaillie – including predator control.
- At a strategic level, NatureScot recognises the role of predator control in conservation. For example, NatureScot [has published a Shared Approach to Wildlife Management](#) supported by a number of land management and conservation organisations including the GWCT

and SGA. The Concordat states “Wildlife management is integral to conservation management, farming, forestry and tourism in Scotland”.

- RSPB Scotland [published a response to the NatureScot report on Capercaillie in May 2022](#) which sets out its approach to predator control for conservation (which must satisfy four tests) including links to information on the extent to which it deploys predator control on its reserves.

Funding support for predator control (agricultural payments)

- Scottish Government [support for predator control is available under the Agri-Environment Climate Scheme](#). Guidance states that “Predator control is an important part of conservation and wildlife management. It can be carried out to control crows (carrion crow, hooded crow, jay, magpie), as well as foxes, stoats and weasels which prey on birds such as black grouse and waders, particularly during the breeding season.” Scottish Government [advice via the Farm Advisory Service on predator control and conservation states](#) “Predator control is a long-established part of rural land management in Scotland, primarily for the protection of game and livestock. It can be a controversial issue with the wider public, but there is considerable scientific evidence that targeted, legal predator control can play an important role in the conservation of some of our most vulnerable wildlife, particularly ground-nesting game and wading birds, such as black grouse, capercaillie, grey partridge, curlew and lapwing”.

The Wildlife Management and Muirburn (Scotland) Bill and proposed snaring ban

- The [Wildlife Management and Muirburn \(Scotland\) Bill](#) is being considered at Stage 1 in the Scottish Parliament. The Bill increases regulation of wildlife traps by introducing a licensing scheme for certain kinds of trap including live capture traps used to capture crows. The reforms aim to increase welfare standards and address concerns about misuse of traps to illegally persecute birds of prey. More information can be found [in the SPICe Bill briefing](#). This followed [recommendations made in 2019 by the independent Grouse Moor Management Group \(‘Werritty review’\)](#). Regarding the wider impacts of predator control on grouse moors, the Werritty review stated that: “Effective predator control is an integral part of grouse management. This practice can also benefit some other species –

most notably waders such as Curlew, Golden Plover and Lapwing which can be locally abundant; and Mountain Hares... Black Grouse and ground-nesting raptors (Hen Harriers and Merlins) can also benefit". The Rural Affairs and Islands (RAI) Committee discussed provisions of the Bill with stakeholders [on 14 June 2023](#) (where they heard from the Scottish Gamekeepers Association amongst others) and [on 21 June 2023](#).

- Whilst the Bill does not seek to impact on levels of legal predator control, the wider debate around the Bill has included discussion of the levels of predator control that take place on grouse moors, with groups such as the [Revive Coalition criticising what they describe as "mass killing"](#). Other groups have sought to emphasise that predator control to support shooting interests can also benefit species of conservation concern (recognised in the Werritty review, as noted above).
- On [22 August 2023 the Scottish Government published a consultation on proposals to ban the use of snares \(or other type of cable restraint\)](#) for the purpose of killing or trapping a wild animal, or in a way likely to injure a wild animal. There are clear implications for land managers and gamekeepers who currently use snaring to control foxes. This follows a 2022 statutory review of snaring and the publication by the Scottish Animal Welfare Commission (SAWC) [of a position paper on snaring also in 2022](#), which recommended that snaring should be banned on animal welfare grounds. The [Scottish Government had previously said it intended to introduce provisions on snaring](#) at Stage 2 of the Wildlife Management and Muirburn (Scotland) Bill. This issue was also discussed with stakeholders in the RAI Committee sessions mentioned above, [with the SGA and Scottish Land and Estates for example arguing that snaring needs to be retained as part of the predator management 'toolkit'](#).

Alexa Morrison, Senior Researcher

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Annexe C

Scottish Government submission of 4 October 2023

PE2035/A: Recognise legal control of generalist predators as a conservation act

Thank you for your email of 6 September 2023 from the Citizen Participation and Public Petition Committee seeking the Scottish Government's views on Petition PE2035 lodged by Petitioner Alex Hogg on behalf of The Scottish Gamekeepers Association.

Petition PE2035 calls on the Scottish Parliament to urge the Scottish Government to officially recognise legal control of abundant generalist predators as an act of conservation to help ground-nesting birds in Scotland.

The Scottish Government agrees that predator control is an important component of species conservation alongside other techniques such as habitat management and translocation. The mix of techniques to be used will vary according to the particular circumstances and threats facing the conservation species. All of these techniques must be carried out in compliance with the law. The Scottish Government also aims to ensure that these techniques are carried out in accordance with the highest standards of wildlife welfare through requirements for training, licensing, and codes of practice.

Environment and Forestry Directorate

Annexe D

Petitioner submission of 10 October 2023 PE2035/B: Recognise legal control of generalist predators as a conservation act

The Scottish Gamekeepers Association (SGA) welcomes the written response to the Petition from Scottish Government.

On the back of this, and given the number of signatories with a keen interest in the issue, the SGA seeks the Committee's views on how Scottish Government's response may be published for wider Parliamentary record, so that it is 'officially recognised' as the Government's standpoint on the issue, as the Petition seeks. Is there an appropriate Parliamentary mechanism, such as a Ministerial statement or other, whereby such official recognition may be effectively achieved?

Recognition in this way would provide important and timely clarity to professionals who carry out skilled legal control of generalist predators in Scotland and who regard this as important conservation work, backed by a growing body of science.

It would signal, officially, Scottish Government's backing for legal predator control as a component of conservation at a time when policies have led SGA professional members to question if this is, indeed, the case. These mixed messages have led to them feeling their actions do not have support of Government. The recent government announcement of a ban on snaring, an important tool in fox management, has served to cement this impression.

To explain our members' views, and to present further evidence as to why we seek official recognition of predator control as a conservation act by Scottish Government, we cite the example of Capercaillie conservation.

On 25th February 2022, the Scientific Advisory Committee (SAC) of NatureScot, Scottish Government's nature advisers, published recommendations for saving the Capercaillie.

Reviewing all evidence, the report authors cited predator control as the number one measure likely to make the biggest and quickest positive

impact. They recommended predator control should take place over 'as large an area as possible within the core area of Badenoch and Strathspey'.

The authors rejected habitat as a chief cause of recent species decline. 'There is no compelling evidence that changes in habitat quality or availability (independent of effects of disturbance), parasites or inbreeding can explain the recent reduction in breeding success'. The reduction in breeding success, the authors said, was down to 'predation on eggs and young chicks', with the main predators being foxes and crows. (Pine martens were also cited but this is outwith the Petition's scope).

Announcing its response, Scottish Government did not place any obligation on stakeholders, who manage the last remaining core forests, to carry out fox or crow control, even although those stakeholders include Government agencies, Forestry and Land Scotland and NatureScot.

Minister Lorna Slater MSP placed Scottish Government's emphasis for Capercaillie conservation on habitat improvement, as did Eileen Stuart, NatureScot Deputy Director of Nature and Climate Change, saying: "We will continue to support and invest in large-scale and well-managed restoration and expansion of the pine forest as **the key conservation management tool** to revive capercaillie populations." Predator control was not mentioned in the statement.

As this petition asks, we feel it is necessary that legal control of abundant generalist predators, if supported, is officially recognised by Scottish Government as a conservation act, just as it recognises, prioritises and publicly funds, habitat restoration.

If Scottish Government truly means what it says in its response, it is important that it makes such a statement publicly, to the Parliament, so that policy actions (in deeds, not only words) may flow from it in the future.

Not only would this provide some much needed encouragement for land managers that they, too, may play an important role in species conservation during a Nature Emergency (with Government support), it could help Scotland conserve ground-nesting species such as the

Curlew, which the most recent State of Nature report confirms is in deep decline.