

Citizen Participation and Public Petitions Committee

4th Meeting, 2024 (Session 6), Wednesday 6
March 2024

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. The Committee last considered this petition at its meeting on [25 October 2023](#). At that meeting, the Committee agreed to write to invite the petitioner to give evidence at a future meeting of the Committee. It also agreed to write to the Scottish Government.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new responses from NatureScot, the Minister for Green Skills, Circular Economy and Biodiversity, and the Petitioner, which are set out in **Annexe C**.
4. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).
5. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.
6. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).

7. Every petition collects signatures while it remains under consideration. At the time of writing, 2,427 signatures have been received on this petition.
8. At today's meeting, the Committee will hear evidence from the petitioner, Alex Hogg on behalf of the Scottish Gamekeepers Association.

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 June 2023

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

Extract from Official Report of last consideration of PE2035 on 25 October 2023

The Convener: Item 3 is consideration of new petitions. As always, I say to anybody who might be following our proceedings that, before we consider a petition, the Parliament's independent research unit, SPICe, is given an opportunity to brief colleagues, and we write to the Scottish Government to get its initial thoughts on the petition, so that we are considering it with some understanding of the underpinning issues and the Government's likely view.

The first of the new petitions is PE2035, which has been lodged by Alex Hogg on behalf of the Scottish Gamekeepers Association. It 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's response to the petition recognises that predator control is an important component of species conservation alongside other techniques such as habitat management and translocation. In response, the petitioner has asked how the Scottish Government's response might be published for wider parliamentary record, stating that a bigger recognition would provide clarity to professionals carrying out legal control of generalist predators.

The petitioner highlights a relevant example to demonstrate a lack of clarity for professionals. The submission explains that NatureScot had recommended predator control as the number 1 measure to save capercaillie. However, a ministerial statement on the issue focused on habitat improvement and did not mention predator control.

Do members have any comments or suggestions for action?

Fergus Ewing: I read Alex Hogg's response to the Scottish Government's response, which, although positive, was somewhat skeletal—it said that control of general predators was just a component alongside other things. In the petitioner's submission, he has pointed out that the minister has contradicted what the Government has said, in that she says that the main elements are not predator control but well-managed restoration and expansion of the pine forest. That is not what NatureScot's scientific advisory committee said—it said that predator control is essential. That is not happening in Strathspey, and the capercaillie is under threat of extinction. Journalists such as Magnus Linklater have championed the cause for a long time.

Without labouring the point and going on for ever, my recommendation is that, given the expertise and knowledge that is possessed within the ranks of the SGA, and Alex Hogg's seniority as its president, it would be useful to have a short evidence session where we give him the opportunity to say what he thinks should be done. Plainly, he

has a huge amount to offer, all in the cause of preventing the capercaillie from going into extinction. For the past 25 years, every land manager and farmer in my constituency has said that that will happen unless they start controlling the predators.

The Convener: Are we content to have evidence from Mr Hogg? It could take a little time. I am happy to do that, so let us set that in place.

Might we also write to the minister who delivered the statement, drawing attention to the contradiction between what we understood to be NatureScot's advice and the statement, and then alluding that to the Government's response, in which it said that it valued the control of generalist predators as a way forward? In practice, the response from the minister undermined awareness of or confidence in that route. Let us see what response we get, because it would be helpful to have that, even as we hear from Mr Hogg.

Are members happy to do that?

Members *indicated agreement.*

Annexe C

NatureScot submission of 1 November 2023 PE2035/C: Recognise legal control of generalist predators as a conservation act

The Scottish Gamekeeper's Association (SGA) have recently filed a petition with Scottish Government to have legal control of generalist predators recognised as a conservation act. We fully accept that control of predator pressures can have a beneficial effect on vulnerable prey species and continue to support the facilitation of legal, lethal predator control through both the Agri-Environment Climate Scheme and the Woodland Grant Scheme. The latter has provided targeted predator control support for capercaillie and is ongoing, offering the potential for quick improvements in breeding success where appropriate.

However, we would like to clarify any misunderstandings which may arise as a result of NatureScot's position on predator control for capercaillie conservation as reported in discussion on this petition.

1. The Scientific Advisory Committee

In September 2021, the NatureScot Scientific Advisory Committee (SAC) was asked to look at reasons for the decline of capercaillie in Scotland and suggest possible remedial management to restore populations, principally throughout the CNPA area. Their [report](#) was published at the end of February 2022.

The report by a sub-group of the SAC focused on a number of possible drivers of change likely to be affecting capercaillie populations. The SAC sub-group considered the situation to be urgent in light of the possibility of extinction in the foreseeable future, and that targeted, adaptive management would be necessary to restore the Scottish population to favourable condition. This included actions reducing predation on eggs and chicks as a potential means of rapidly improving productivity, alongside a range of medium to long-term measures targeting disturbance and habitat quantity and quality.

2. NatureScot recommendations

Having considered the report which concluded that "It is unlikely that employing a single option ...will be sufficient to prevent further

[capercaillie] population declines”, the NatureScot Board advised a suite of new actions, which aimed to aid capercaillie recovery alongside supporting the restoration of the wider native pinewoods flora and fauna:

1. Further investment in action to achieve landscape-scale restoration of pinewood habitat over the long-term;
2. Generalist predator population survey work to better understand the size and impact of the predator suite, including policy principles and tests that would need to be met for management of any protected species with a demonstrable impact on capercaillie;
3. Development of a costed, spatially-explicit plan of positive management measures, including reducing disturbance, expansion of diversionary feeding of predators and fence marking or removal.

Whilst a reduction in predation is part of this suite, lethal predator control is not the primary NatureScot recommendation, not least because it is already available as a conservation tool. There is evidence that an increase in some novel nest predators in recent years may be contributing to a decline in capercaillie breeding success, but examination of the evidence available concluded there was uncertainty in how the guild of predators would respond to lethal control measures. For example, one (or more) individual may simply move into the space created by the removal of another, or a reduction in the number of one predatory species may lead to a numerical increase in another, resulting in no net benefit.

In addition, the SAC Sub group report concluded that removal of predators was only likely to be effective over a large scale, for many years. This widespread removal of a suite of species is not compatible with the overall biodiversity goals as set out in the Scottish Biodiversity Strategy. The CNPA Park Partnership Plan states: ‘The scale of the climate and nature crises we face means that some tough choices will need to be made, particularly around single species interventions within overall ecological restoration’. Widespread removal of a suite of species at landscape scale would have serious implications for achieving the overall outcome of a biodiversity rich National Park with restored, well-functioning and resilient ecosystems.

A study by the University of Aberdeen just completing on diversionary feeding (using deer carcasses) of predators has shown significant promise as an alternative.

The Petition states that both a statement by NatureScot and the Minister's response were not aligned with the advice. This confuses the SAC report, subsequent recommendations put forward to the Minister and the Minister's acceptance of the recommendations. The actions currently being progressed by CNPA and NatureScot are aligned with these, implementing a suite of actions to deliver high quality, landscape-scale pinewood habitats and securing a thriving and expanding population of capercaillie by 2045.

Minister for Green Skills, Circular Economy and Biodiversity submission of 28 November 2023

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

You have stated that there is a perceived contradiction between NatureScot's recommendations on capercaillie conservation and the Scottish Government's communication through my Ministerial statement.

I would like to clarify that the Scottish Government agrees that predator control can be an important component of species conservation alongside other techniques such as habitat management and translocation as previously set out in the Scottish Government's response to this petition.

However, whilst predator control can be an important conservation tool it was not the only action recommended in regards to capercaillie conservation. Following consideration of the Review of Capercaillie Conservation and Management report, the below suite of actions are being taken forward by NatureScot and the CNPA which aim to aid capercaillie recovery alongside supporting the restoration of the wider native pinewoods flora and fauna:

1. Further investment in action to achieve landscape-scale restoration of pinewood habitat over the long-term;
2. Generalist predator population survey work to better understand the size and impact of the predator suite, including policy principles

and tests that would need to be met for management of any protected species with a demonstrable impact on capercaillie;

3. Development of a costed, spatially-explicit plan of positive management measures, including reducing disturbance, expansion of diversionary feeding of predators and fence marking or removal.

I believe NatureScot have already written to you setting out their reasons for this approach. I have repeated these below for ease of reference:

Whilst a reduction in predation is part of the suite of SAC recommendations, lethal predator control is not the primary NatureScot recommendation, not least because it is already available as a conservation tool. There is evidence that an increase in some novel nest predators in recent years may be contributing to a decline in capercaillie breeding success, but examination of the evidence available concluded there was uncertainty in how the guild of predators would respond to lethal control measures. For example, one (or more) individual may simply move into the space created by the removal of another, or a reduction in the number of one predatory species may lead to a numerical increase in another, resulting in no net benefit.

In addition, the SAC Sub group report concluded that removal of predators was only likely to be effective over a large scale, for many years. This widespread removal of a suite of species is not compatible with the overall biodiversity goals of the CNPA Park Partnership Plan.

A study by the University of Aberdeen which is just completing on diversionary feeding (using deer carcasses) of predators has shown significant promise as an alternative.

I hope this clarifies the Scottish Government's position.

Lorna Slater MSP

Petitioner submission of 28 December 2023

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

Whilst we do not want the consideration of this petition to be reduced solely to the consideration of the role which the control of abundant generalist predators plays in Capercaillie conservation, we do wish to respond to the correspondence by NatureScot and the Minister regarding this particular species.

It is important to note that, in commenting, we do so from a position of local knowledge or knowledge acquired over many combined centuries by 'doing', observing and adapting rather than by science, per se.

Firstly, while the response to the NatureScot SAC report by Scottish Government does take into account some of the report's key recommendations, we feel it does not reflect the urgency required. We have lost over 50% of the remaining birds in 5 years.

NatureScot's SAC stated that, without significant and urgent interventions, the Capercaillie could become extinct in 20-30 years. In the correspondence received by the Committee, both NatureScot and the Minister state that predator control (despite the report stating that breeding success is too low to allow species recovery) was not taken forward as the *primary recommendation* of Scottish Government 'not least because it is *already available* as a conservation tool'.

However, because something is available, does this diminish, in some way, its usefulness?

Given the urgency, the need for adaptive management and the SAC report's conclusion that foxes pine marten and crows and 'the cumulative effect' of all of these was the cause of poor breeding success, a neutral observer would surely have questions as to why neither NatureScot or Scottish Government did not propose a measure which is a/ already available without any impediment and b/ which would act to reduce the 'cumulative effects' causing the accepted main problem ie: poor breeding success.

Instead, it selected measures which the report acknowledged were less tested than predator control (diversionary feeding), would likely take

longer (more research on predator interactions) or would have insufficient impact on the problems the report identified (ie: habitat quality or availability was not seen to have any bearing on poor breeding success).

We feel, here, that there is a need for greater honesty on the part of Scottish Government and NatureScot when it comes to the Capercaillie and the difficult subject of predator control.

For example, whilst Scottish Government has taken forward things which the report stated was comparatively 'untested', like diversionary feeding of predators, it could also (at the same time) be emphasising to key partners the need to quickly initiate the options which, they admit, are already available ie: legal management of foxes and crows or 'control of abundant generalist predators', as this Petition describes.

This would help to arrest or stem the continuous unsustainable losses whilst (at the same time) other measures they have taken forward are given the time to either fail, succeed, be adapted or studied further. To improve breeding success, both or all could be done simultaneously. One does not preclude the other.

Where the honesty is required, and what should be explained to the Scottish people, is that only 2 partners within the species' priority action group (the private enterprises of Seafield and Rothiemurchus) are prepared to carry out the legal management of fox and crow populations which is likely to have a positive impact.

The conservation tool of legal management of abundant generalist predators is freely available, now. It is not being carried out in the majority of the last remaining core forests because it is against the interests of those managing those forests ie: Cairngorms Connect partners, etc.

This may be because some are membership organisations which do not want to offend their members or core funders. Whatever the reason (and this is their prerogative) there is a need for honesty about this and, if the Capercaillie is to become the casualty of other prerogatives, that should at least be made clear so the Scottish public have the full picture.