

Caenlochan deer management meeting

Purpose of meeting: Follow up discussion between SNH and sub group of DMGs to reach consensus on management approach going forward in light of SCL work and ending of Caenlochan S.7 agreement

11th February 2019 at SNH, Battleby at 9.00 am

Present for Section 7 Estates:- Bill Mearns (BM), Liam Donald (LD), Deirdre Stewart (DS - Independent Chair), Richard Gledson (RG), Bruce Cooper (BC), Nicholas Gibb (NG), Colin McLean (CM - Technical Advisor), Angus McNicol (AM)

Present for SNH – Denise Reed (DR), Iain Hope (IH), Neale Taylor (NT)

DR welcomed everyone to the meeting which was a follow up on the meeting at the Bridge of Cally on 18th January 2019 to seek a way forward.

DS confirmed that those present wished to meet with SNH following the meeting of 18th January 2019. There were some clear questions that the Section 7 Estates wished to put to SNH.

DS said that it was felt that the Strath Caulaith Ltd (SCL) work presented to date was valuable. The majority of the s.7 estates had met on 3rd January 2019 to consider the proposal that SCL had presented through SNH subsequent to the meeting on 14th December 2018. The reason for the meeting on 3rd January 2019 was to review this proposal and it was felt that a very good and proactive discussion was had. DS explained that the estates felt that the actions for them arising from the 14th December 2018 meeting had therefore been fulfilled. The estates felt that they were entitled to consult with a technical advisor on the proposals that had been provided to them by SNH's appointed consultant. CM had substantial knowledge of the area and the Section 7 agreement and was therefore considered an appropriate adviser.

DS explained that at the meeting of 3rd January 2019 the consensus was that there was a need to restructure to deliver the function of the estates as a collective group more effectively. As part of this, it was agreed that the appointment of an independent chair would be beneficial. The SCL proposal was reviewed at the meeting also. This proposal had not been presented at the 14th December 2018 meeting as a "forced" proposal and therefore it was understood that this was for review. DS said it was therefore surprising that at the 18th January 2019 meeting the alternative proposal that had been tabled by the estates was rebuffed. It was recognised that there is a call within Scottish Government for the grass roots to deliver deer management and that was exactly what the estates considered they were doing. At no point had the estates been told previously that prior to the meeting on 18th January 2019 that the current deer management plans were unsatisfactory in the context of the s.7 Agreement. Those present had therefore felt disappointed by the meeting on 18th January 2019.

DR said that SNH wished there to be transparency in the process. Not all S.7 signatories were invited to the meeting on 3rd January 2019 and she felt disappointed that SNH were not invited .. She said that a proposal for the way ahead needs to be something strong. Whilst SNH had been looking for feedback on the SCL proposal they had not expected a counter proposal but would have preferred to be part of a continuing discussion instead. DR stood by the view that in her summary at the end of the meeting she had endorsed the approach outlined by SCL at the January 18th meeting. DS did not feel this was clear from the minutes. DR indicated that she felt that the presence of three plans covering the Section 7 area was confusing but that the process for working together as well as the plans themselves required review. She felt that the plans were not consistently actioned, hence why they were seen by deer managers as lying on a shelf gathering dust, the results of the plans were not visible and

that planning going forward is therefore a big issue for SNH.

IH acknowledged he understood the points that both DS and DR had made. He said that one had to understand the past in order to make sense of the future .

On the subject of the plans, CM, who had written the current Sub Group 1 plan, explained that his plan reflected the Rory Putman plan which itself reflected the Section 7 Agreement. The Section 7 Agreement was the lead agreement. This was not challenged and IH added that the control agreement doesn't prevent DMGs from going above and beyond simply preventing damage by deer.

AM asked if SNH felt that the Section 7 plan had failed. NT said that he thought that the Section 7 is failing. He felt that there were two criteria for judging success or failure— whether the management on the ground was working and whether habitat targets were being met. With regards to the latter, the early indication from the SCL research is that the habitat targets are not going to be met. Deer culls had declined and were now going back up after the 2018 deer count. The recent hind cull had increased further however and NT felt this was a positive message.

AM asked NT why he felt the Section 7 agreement was failing and why the previous plans were now seen not to have worked.

NT said the Putman plan would not on its own have met habitat targets but NT acknowledged both the estates and SNH have to take some responsibility for this. NT said that it was not until the reporting of the SCL work and the 2018 helicopter count that it became apparent to SNH that the Putman plan did not appear to go far enough - that plan was about drawing deer away from sensitive sites. He did not feel that any of the current plans took the step forward that was required including how the process was managed. NT said that where the estates are wanting to get to and how they are going to get there are missing from the current plans. NT understood that the nature value of the designated site was probably not of high importance to the Estates .

NG queried why plants are still surviving if this is the case.

IH suggested they were surviving but not thriving and deer numbers have increased recently. IH said the various surveys show that ecologically the plants were surviving but not in a form that is in sufficiently good condition.

RG said that the SCL data was accepted by everyone although NG raised queries about some elements of it.

CM suggested that implementation was part of the reason for the Section 7 Agreement failing but that the Section 7 Agreement itself was also part of the problem. CM said he wanted to use the SCL data to help set cull targets and that this could be a relatively simple process. NT explained that if such an approach was adopted, but not all estates bought into this then what would happen? He felt that legal mechanisms would then need to be employed which would affect everyone as a Section 8 would be over all estates not just one or two. Also if SNH were to go down that road how would they get out at the other end? The Section 8 process was not one they wanted to invoke if it could be avoided. RG enquired about the use of Section 10 – NT said that the Section 10 was again not a road that SNH would want to go down but it was an option.

Commented [DR1]: repetitious

DS asked what would be the measure of whether an estate was doing or not doing enough and what were the inadequacies of the CM proposal. DR responded the key issue were that the existing 3 plans were out of date in light of the SCL work. There is also the value SNH puts on detailed socio-economic work, which includes different population modelling scenarios, to give reassurance to individual estates of the different management options open to them to best achieve for deer, people and the environment. The CM proposal did not adequately appreciate the scale of this work or what is involved in updating the existing plans into one or in achieving common understanding and purpose. CM said however that reducing deer density is fundamental to the current deer management plan and also to the proposal that he had presented.

BC highlighted that Estates already had individual plans and DR confirmed the importance of looking at individual estate's business plans to ensure that the way forward would work for each individual land holding whilst being integrated with other neighbours and wider objectives. That would take time sitting down with everyone to go over both economic and environmental aspects.

NG queried if anyone knew what the optimum scenario would be. DR responded that habitat targets would need to be adaptive, that this is a long term process, and is not an easy question to answer as different habitats require different levels of management over time.

AM indicated it was proposed to merge the SDNA DMG Estates with Sub Group 1 in order that there could be one amalgamated plan where at present there are three plans. The DMG would then need to work with any estates who were not convinced by the deer management strategy in the plan. BC agreed that what was needed was an updated plan but not a brand new plan. He believed each estate would have their own land management plan currently. NT felt that there will be conflicts as the Putman plan he felt was a summary of what each estate wanted by way of stag culls and there may need to be compromises. It did not address how habitat improvements were to be achieved and there had been no review of whether estates had carried out the various other measures such as providing licks and small scale planting.

DR confirmed that the project SCL had undertaken and would be reporting on shortly, had gone out to public tender in Spring 2018.

DS requested clarity on the chain of command within SNH. DR responded that briefings were provided to Nick Halfhide, the director, Robbie Kernahan and sometimes the SNH chief executive Francesca Osowska. There were also bodies they had to report to from time to time (e.g. the ECLLR committee at Holyrood).

DR suggested an extension to the current Section 7 for a year. [.....] BC said there is an agreement in place, the SCL data was not widely disputed and the majority of estates were on board with reducing the deer population. BC said that all those present were conservationists at heart and that the environment means everything to the business of each estate.

Commented [DR2]: This is a repeat of what Neale said earlier

AM asked if a party signed up to Section 7 Agreement did not deliver what then? DR responded that the Section 7 Agreement was there to address such a circumstance although NT pointed out that the DMG should seek to persuade the members concerned and that the Section 7 Agreement and other regulatory powers would be a "back stop" if this failed.

BC said it can be difficult for members to complain to neighbours where they feel there are issues in terms of their deer management as they do not want to be seen as un-neighbourly. IH explained that there were similar issues in all DMGs with which he was involved although he felt that the Monadhliaths' Strategic Plan was the only one he was aware off that had the mechanisms available to members for resolving issues internally.

BC explained that CM had written the current DMG plan and felt that this could be updated with the SCL data and, with an independent chair to implement this, there was a clear way forward. This could be taken forward independently by the group but DR and others in the meeting agreed that any scope of work should be taken forward jointly. [.....] DR confirmed that there would need to be further discussion over how the tendering would be done.

Commented [DR3]: These were not my words

AM suggested that he believed the estates and SNH were not far away from each other and that by amalgamating the current plans and using the SCL findings and working with those who needed convincing about these plans, with SNH support, could be a way forward. Either referring to a consolidated, updated, reviewed or amalgamated plan, DR was pleased that there was understanding that there was a need to update and review into one document. Whilst the group were unhappy about SNH's reference to the Monadhliaths plan, DR reflected that what was needed was an exemplary management process which fitted the Caenlochan circumstances.

DR confirmed that SCL's role will end around April with the publication of their report. NT confirmed that the report would go out in draft to an external deer expert for quality assurance purposes. It is possible that it would be available at that draft stage. It was agreed that there would be a joint communication from the estates and SNH when the report was published. There was then a short break.

After reconvening, DR suggested that a way forward may be to create an updated plan in incorporating the existing three plans, individual estates' plans, the SCL findings, socio-economic modelling and a zonal approach to management.

A short discussion then took place on the current season cull target of 1,900 hinds for the Section 7 estates. The total to date was 1,618 hinds plus calves. It was agreed that DS would write to all member estates as soon as possible to ask that they all keep going with their cull or at least activity to keep deer moving until the 1,900 hinds target had been met.

IH indicated that there were several ways forward where an estate was not thought by the group to be doing sufficient work towards the target cull including speaking to the party involved, using a spotter plane to identify where deer were and also SNH could write to propose the use of Section 10 powers, following this up with the use of those powers if required.

DS said it was important to recognise those parties that were doing their fair share of the cull as well as those that do not.

NG enquired about whether the Section 7 area was geographically large enough. It was agreed that for the time being those estates currently in the Section 7 should be on track with a new way forward before additional members are considered.

The group confirmed to SNH that the membership of a task force has been agreed amongst DMG members and DR attempted to clarify her understanding of the different stages in the process. There is currently a small group of representatives working with SNH to achieve agreement on the required scope of work. Once this process has been through the tendering and planning stages, SNH suggests they no longer chair and the group evolves into the task group, with independent chair, overseeing implementation of the agreed plan. DS confirmed again that an independent chair was proposed by the estates. DS will not be able to continue in this role but for the time being was an interim independent chair and she confirmed she does not act for any individual s.7 member. AM mentioned that several people had been spoken to with regards to potentially taking on the role of Chair going forward.

AM suggested that the DMGs worked up a draft scope of work taking into account DR's suggestions immediately after the break. It was agreed by those estates present that implementation is the key more than just having a plan.

CM enquired as to whether there would be potential for SNH staff to help in the forthcoming foot count to help both with manpower and the credibility of the foot count. CM suggested that both the count was needed and the population model together. SNH did not commit to assisting with the forthcoming foot count as IH has concerns about the veracity of ground deer counts. CM felt this was down to not having enough counters and asked if SNH staff could assist. DR undertook to check if this was possible.

AM asked whether SNH could do a winter dung count and BC enquired whether this could be done in spring 2019 to help establish occupancy during the winter since SCL's previous dung count in autumn 2018. SNH did not commit to undertaking winter dung counts as IH questions the merits of doing this work as we now have sufficient information on deer numbers and impacts.

DS requested a timeline for the SCL report, its consultation and the proposed extension of the Section 7 so that the order of things happening and roles could be clarified. DR agreed to this but noted that any extension of the Section 7 she felt was separate to the SCL report.

The action points resulting therefore were as follows:-

1. The Estates to develop a scope of work which takes into account DR's comments and incorporating a brief for the proposed independent chair and task force. Once the DMG was happy with this, the draft proposal would be shared with SNH so this could be further discussed. (Action All)
2. DR to summarise the timeline for the SCL report and its consultation and also for the proposed extension of the Section 7 setting out each party's roles. (Action DR)
3. DS to write to all Section 7 members as soon as possible to confirm they must all continue to work together to ensure that the 1,900 hinds target was met; if this was not met before 15th February 2019, and individual members did not wish to seek an extension to the season, they should at least keep moving deer to reduce the risk of a 'sanctuary' effect. (Action DS)
4. DR to check whether SNH staff could be used to assist with the forthcoming foot count (proposed to take place as soon after 15th February 2019 as possible when the weather permits and there is snow on the ground). (Action DR)
5. DR to liaise with DS with regards to a joint communication when the draft SCL report is proposed for publication. (Action DS and DR)

Commented [DRA4]: This was not what was said by Angus in the meeting. He described it as I have amended as it is in my notes. I would have picked up on using Colin's proposal as the basis of scope of work as I had already described how it was not sufficient. I feel it is important that the meeting note reflects that we came up with a joint approach going forward and not based on either of the two previously presented.