**Minutes of South Grampian Deer Management Group & NatureScot**

**Section 7 Proposal Meeting at Kilry Hall, 21st October 2022**

Present: Doug McAdam (DM) (Chairman)

 Deirdre Stewart (DS) (Secretary/Treasurer)

 Linzi Seivwright (Consultant)

 Angus McNicol (AM) (Invercauld)

 Hugh Niven (HN) (South Clova)

 Jamie Gammell (JG) (Alrick)

 Major Gibb (MG) (Glenisla House)

 Florian Kuhnle (FK) (Tulchan)

 Bill Mearns (BM) (Tulchan)

 Rob Mearns (RM) (Tulchan)

 Kevin Peters (KP) (Forest and Land Scotland)

 Andrew Reid (AR) (Invercauld/Callater)

 Chris Walker (CW) (Bachnagairn)

 Alex Morrison (AM) (Scottish Water/Bell Ingram)

 Chris Donald (CD) (NatureScot)

 Gavin Clark (GC) (NatureScot)

1. **Welcome and Apologies**

Apologies were received from Richard Gledson (Balmoral), Peter Ogilvy Wedderburn (Auldallan), Ian Robertson (Drumderg), Barclay Dougall (Balintore).

Doug McAdam welcomed everybody to the Meeting. DS took a note of some final stag cull figures for Clova, Bachnagairn and Tulchan.

1. **Background**

DM presented the background to today’s meeting. He listed the following concerns as to the Groups current position. These included:-

1. Process - no proposals had been tabled nor discussions had with Estates before initial draft of the Section 7 had been issued.
2. Process – it had been five months since the Group requested a new S7 from NS now it has been tabled and process is being rushed
3. The pace of delivering the aspirational deer density of 10 deer per km2 was felt to be too rapid over 2 years.
4. Concern surrounds the evidence base, for damage to the SAC being the site condition monitoring from 2018.
5. The Group currently have no confidence in the ability for full collaboration and participation across the Section 7 members.

Overall, there was a Group consensus that the goalposts had changed, and that no discussion had been held with Group members since their request for a Section 7 Agreement in Spring 2022. In addition to the above concerns further points were expanded on by DM to include

1. The economic viability of Estates is felt to be vulnerable.
2. The extent of the Section 7 requires consideration. Members continue to request this be extended. Clarity was also sought with regards to Balnaboth.
3. Glenprosen Estate – There is nervousness across the Group in their ability to deliver Section 7 aspirations, when there are potentially significant changes to the regime at Glenprosen, yet this is still unknown.
4. **NatureScot to present Section 7 Agreement Proposal**

Chris Donald provided an introduction to his role and background experience. He highlighted both the Government and Press scrutiny on Caenlochan. He mentioned that the numerous freedom of information requests had taken up a significant amount of time for NatureScot over the past few months. Lorna Slater had identified deer issues as a high priority. He highlighted the Cairngorms National Park Plan aspirations. Against that, he mentioned the helicopter count from Spring 2022, revealing a deer density of 16 deer per km2  across the Group area. He said that NatureScot’s responsibility was to prevent damage to the designated site, underpinned by the Strath Caulaidh work in 2018. He said the increase in population since 2018 means that NatureScot assume damage is continuing to occur, so they wish to see immediate action. CD did offer resources to support the Group in a cull effort. NatureScot have presented a draft cull allocation, but this has not yet been circulated to the Group.

CD added that the justification for front loading the Section 7 cull was because urgent action was needed after 20 years of issues on the site, in the hope that the aspirational deer density of 10 deer per km2  might put the population in the right ballpark to see a reduction in damage to the SAC, although this cannot be guaranteed. It is NatureScot’s wish to reduce scrutiny on the area, but also be consistent with the objectives for the Cairngorms National Park Plan, and show commitment to the CNPA. He highlighted that only a clear demonstration of this would help secure the Heritage Horizons process, and significant funding of the delivery phase.

In order to address this, CD requested:-

* Full stag cull data (their cull allocation had modelled on a cull of 500 stags)
* Discussion on the Section 7 Steering Group
* Discussion on the proposed cull allocation, and sought agreement upon this
* NatureScot are looking for signature to the Section 7 Agreement by mid November, with a revised draft being circulated to member estates by the end of October for their approval
* NatureScot wish to maintain a 5 year delivery phase for the Section 7.

DM responded to NatureScot. Firstly he highlighted that the population had actually been reduced since 2018 with consecutive significant culls having been delivered prior to the difficulties of the pandemic restricting culling activities in that period. He added that this had been exacerbated in last two seasons by some non DMG member estates in the area not participating in culls with the resultant impact on members culling activity. He acknowledged that the cull allocation had not yet been circulated and explained that the Group had intended building their own allocation using previous knowledge once a total cull figure had been agreed. He added that stag numbers would not be complete in the absence of any declarations from either Glenisla House or Auchavan/Glencally and asked NS for these.

GC said that the August 19 and Spring 22 counts were not dissimilar. He added that it was important that the Group now show intent to deliver on these aspirations, and that Heritage Horizons was not being considered as an ultimatum.

1. **Individual Feedback and Representation**

**Balmoral** – DS presented on behalf of Richard Gledson stating that Balmoral had felt frustrated and disappointed to still be in this position, and being expected to be part of the Section 7 area. Balmoral had accepted that it was most likely that they would sign the Section 7 Agreement, but that was against a backdrop where the Estate can demonstrate both a deer density of around 8 to 8.5 deer per km2  across the whole Estate, and also HIA data, showing an improving quality in habitat. CW added that significant public access continues to displace deer concentrating their grazing patterns. He stressed that some particular habitats and flora are thriving and in very good condition. His concerns surrounded displacement of deer due to the public, and also the significant storm damage to woodlands.

**Invercauld** – AM presented the following points on behalf of Invercauld:-

* AM said that he felt that there is a good news story to tell for Caenlochan and that deer densities have been substantially reduced overtime.
* Disappointed in the timeframe that it took for a draft Section 7 to be provided by NatureScot this year.
* AM said that due process has been ignored, in the preparation of the Section 7, and that that significantly reduces the Group’s confidence in accepting the proposed terms.
* AM raised the Estate’s vulnerability in terms of social economics, to significantly reduce deer densities. A breakeven on costs would be around 21 deer per km2  although he accepts that this is unrealistic. Even if the venison price went up, a breakeven would be 18 deer per km2. He stressed that the measure of deer density, and economic viability were inextricably linked.
* Invercauld HIA data demonstrates a reduction in the impact between 2018 and 2021.
* AM called for better understanding on the distribution and movements of the deer across seasons. Tagging was raised again as a possible data gathering tool. The snapshot of a deer count does not infer where culls need to be concentrated, when damage is being done. The deer count provides no context on distribution. Glenshee have done monthly deer counts, showing a average density on Glenshee of around 10.5 deer, where the March count reveal a density of 25 deer per km2.
* AM raised again the matter of range and scope of the Section 7, and felt that this needed reconsidered.
* AM said that with considerable doubt on what would be having with Glenprosen Estate, he felt that we cannot develop a Group wide strategy.

In conclusion, AM felt that the Group should take the following steps:-

1. Update the 2016 Deer Management Plan
2. Secure Group wide agreement to long term objectives
3. Revise deer population modelling within the Plan
4. Collate HIA data, and appeal for Estates to generate HIA evidence as their means of defence
5. AM also requested a better understand on occupancy of deer seasonally to understand deer distribution possibly through tagging

AM said that we are currently shooting blind, with little or no suitable habitat or social economic data, and a lack of understanding and deer distribution.

CD responded to say that the logic of the 2016 Deer Management Plan wasn’t working, if the 2018 survey work had showed damage. CD said NatureScot are convinced damage continues to occur. GC acknowledged that a deer count is a snapshot, but the density of 16 is still way above what is needed.

**Scottish Water – Lintrathen -** Acknowledged high level control on low ground at Lintrathen as being essential, having shot 140 to 150 deer so far since Spring. This was to combat both agricultural and forestry damage.

**South Clova**  - HN said that reducing deer to these low densities would cost at least 3 to 4 jobs for his business in Glen Clova. A political agenda was overriding many of the factors being raised by the Estates.

**Tulchan** - Dr Kuhnle said that he agreed fully with points put forward by others including Angus McNicol. He questioned the efficacy of using data that was now five years old to infer current condition on the SAC. He said that moving to these significantly lower deer densities would be disastrous for the economic viability of Tulchan, with jobs disappearing. Where he is seeking alternative income streams for the Estate via hydro scheme, woodland creation and peatland restoration, this does underpin the same employment.

DM requested that all Estates understand and set out what number of stags they need for their sporting business to be viable. KP pointed out that this infers lettable sporting stags, of a particularly cohort. A certain population is required to deliver that, and that modelling the population would need to take this into account. DM agreed and said this data should be gathered to help asses the size of population required for viability of estates and hence what hind population and hence cull is required.

**Forest and Land Scotland**  - KP appealed for a better understanding of deer movements and distribution.

**Alrick**  - JG explained how frustrated he was after such a long time in trying to address the Caenlochan issues. He said that no account had been taken of repeated appeals to understand access pressures, and understanding of deer movements seasonally. He believes that some habitats are clearly thriving. He appealed for the political masters to come and see for themselves. Again he appealed for a wider scope and area for the Section 7, with some of his neighbours who are not members being full of deer. He also appealed for better collaboration with adjoining deer groups (West Grampian Deer Management Group) (PMN the area of concern is potentially not in WGDMG but part of the lowland area outwith DMG influence currently). He has no full time stalker and has no commercial stalking on the Estate.

CD on behalf of NatureScot replied to say that the Section 7 is an adaptive process, and that they would be willing to extend the Section 7 area, and willing to review and change terms of the Agreement to adapt to circumstances. **Action:** *It was agreed that consideration needs to be given as to the range and scope of the Section 7 and membership*.

**Glenisla**  - Major Gibb acknowledges that he is a non member/guest at today’s meeting. He said that they are very much on the edge of the Group area, and that they have shot some deer low down, but they are not really “stalking viable”. He raised the matter of a significant cull on the Glenprosen area in the 1950s, which left Glenisla entirely bereft of deer. He feels the dynamics at Glenprosen will have a direct bearing once again on Glenisla. He feels protected numbers are very low, and therefore the economics have been disregarded.

CD responded to say that what happens at Glenprosen will be integral, and understands that this is currently unknown, repeating that the process will be adaptive.

DM summarised the discussion by saying that there was a clear consensus in a lack of confidence to sign the Section 7 Agreement as currently drafted. He agreed that there was some work to do, to consider the Group/S7 area and range and that this had been raised before.

DM sought to clarify what a maintenance cull and hence reduction cull level would be based on current data. He suggested that we continue to do a year by year cull reduction strategy to deliver a decreasing population but informed by the areas identified in the discussion eg socio-economic viability, Heritage Horizons work, updated habitat assessments etc .

AR from Invercauld/Callater raised the matter of mountain hares. He said that clearly their HIA can demonstrate improving habitat, after the mountain hare population had crashed. He asked whether NatureScot were willing to issue Licenses, if the mountain hare population was to boom once again and NS indicated they would be. Nonetheless the matter of other herbivores remains unexplored.

5. **Discussion & Next Steps**

There was then an extensive discussion on the ability of the Estates’ to deliver the Section 7 objectives.

HN said that he can give no guarantee on numbers for a hind cull, without knowing what is happening at Glenprosen. With a hefted population of only 9 hinds on Glenshee, Invercauld are also unwilling to dictate significant cull targets for hinds. The zonal approach for a cull strategy will only be effective with collaboration. One zone includes non members. Another zone includes Glenprosen Estate. Linzi Seivwright importantly advocated the voluntary position. She feels that this Section 7 is clearly being used as a test case, and that the circumstances surrounding Caenlochan is being caught up in a political process. NatureScot have to be sure that damage is occurring.

There was discussion on the differing eventualities of either full or partial signing up to the Section 7 Agreement. Linzi raised the matter as to whether the Section 7 agreement needs to be collective for all parties, or if separate agreements can be issued for independent estates. She questioned the ability for Nature Scot to be able to enforce greater regulatory action, under a Section 8 or 10. There is a clear consensus with Group members that the Section 7 will fail, if they are not able to fulfill a cull as prescribed by NS, and that the reasons behind not being able to achieve a cull are either (a) beyond their control, or (b) will seriously impact upon the economics of their business, and wider rural area. These are both matters raised before with NS/SNH (among others), and have not yet been considered, which was the intention of the Heritage Horizon’s project. Linzi stated that she felt circumstances are instead being overridden by a political agenda, and that this Section 7 would be considered to be a test case. Again, these circumstances were seen to contribute to a lack of confidence in the Section 7, and a feeling that the Group would once again be putting their neck in a noose and be seen as the reason for it’s failure.

CD said that NS were ready to escalate regulatory action where appropriate this season.

DS asked NS to identify the triggers for enhanced regulatory action; is this to be on non-signature of the Agreement, or other mechanisms, such as an estate not collaborating and contributing to the cull, inability to deliver prescribed culls, timeframes etc.

CD said that we need deer to be in the range of 10 deer per km2  to be in the right ballpark for nature capital markets in the future.

DM suggested a rewording of the Section 7 Agreement to reflect and mitigate the Group concerns. The Agreement would be adaptive, but yet committing to a reduction cull in year one with the ongoing trajectory informed by data and areas identified in the discussion this morning. At that point Major Gibb gave his apologies for another appointment and left the meeting. Dr Kuhnle and BM also left the meeting for another appointment as did Hugh Niven. JG said that how can he sign up when he has no hinds. He asked how can NatureScot provide an assurance as to how the non members having to act under the Section 7 Agreement. Do NatureScot consider an independent Section 7 Agreement upon the non members of Glenisla House, Auchavan and Glencally? After some discussion, it was suggested that the Group provide some clear Heads of Terms for a redrafted Section 7 Agreement to NS for their consideration and redrafting.

KP raised the matter that some of the area to the south was within a priority area for the Strategic Deer Board. This needs clarification.

**Action:**  *SGDMG to return to NatureScot with Heads of Terms for a revised Section 7 Agreement*.

DS/MJH

25/10/2022