



Respondent information form

Wildlife Management in Scotland

Full consultation document can be found [here](#).

Please Note this form **must** be completed and returned with your consultation response.

To find out how we handle your personal data, please see our privacy policy:
<https://beta.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation's name

Scottish Crofting Federation (SCF)

Section 2 – Muirburn

16. Currently a licence is only required to undertake muirburn outwith the muirburn season. Do you agree that a licence should be required to undertake muirburn regardless of the time of year that it is undertaken?

Yes

No

Unsure

17. If you answered 'No' to question 17, please outline why you believe this (max 150 words):

Our concerns relate to the scope of the licensing requirement which we understand would include any use of fire to control vegetation apart from stubble burning. SCF believes that it should continue to be possible to use fire at very small scales as a land management tool without licensing. The term muirburn is misleading as the scope of the proposed requirements is much broader. Unless the title reflects this or implementation is accompanied by significant awareness raising across all those that practise controlled burning (targeting small land managers rather than big estates), there is a risk of unintended non-compliance. SCF does, however, agree that an appropriate licensing scheme could be a valuable tool to ensure best practice in relation to muirburning, but only if accompanied by adequate and accessible training and awareness raising.

18.If we introduce a licensing scheme, do you agree that NatureScot should be the licensing authority?

Yes No Unsure

Other body (please specify)

19.Do you agree that there should be a ban on muirburn on peatland unless it is done under licence as part of a habitat restoration programme approved by NatureScot?

Yes No Unsure

20.Other than for habitat restoration, public safety (e.g. fire prevention), and research, are there any other purposes for which you think muirburn on peatland should be permitted?

Yes No Unsure

22.Do you agree that the definition of peat set out in the muirburn code should be amended to 40 cm?

Yes No Unsure

23.If you answered 'No' to question 22, please outline why you believe this (max 150 words):

We would like to see scientific evidence in support of this change. We could not see an explanation in the Werritty report that would underpin this change. It is unclear how the suggested amendment to the definition would support Scottish Government's policy objectives, and it would be helpful to understand why so far Scottish and English legislation has differed on this specific point.

24. Please provide any further comments on the questions in this section here:

Peatlands: After consultation with the fire services, we understand that controlled muirburning does not normally penetrate the peat layer. The Werritty report recognises evidence that shows that: “less than 10% of reported wildfires were attributed to ‘controlled burning’ or ‘heather burning’” (Werritty report, 2019, p 37), and that evidence on impacts of muirburn on peat-forming plant species is inconclusive and contradictory, with several studies finding positive impacts (Werritty report, 2019, p 35). Scottish Government itself: “supports well-managed muirburn and recognises its potential to reduce the impact of wildfire” (Scottish Government, 2017). SCF strongly supports measures to protect peatlands and mitigate climate change, but we ask for further research into the positive and negative impacts of muirburn in this context to ensure that legislative measures (definition, restrictions, exemptions) are able to deliver on climate change objectives, with adequate risk assessments, and do not restrict the potential of muirburn for other outcomes.

Licensing: SCF recognises the potential of muirburn licensing as a safeguarding measure and as a check on competence. However, contrary to other sections in this consultation the document provides no details on the requirements that will be attached to a license, potentially including – in addition to substantial compliance with the Muirburn code – mandatory training and the keeping of records. So far, we understand that training may involve both online and in-person training with fees to be determined by individual providers. SCF wants to see more details on the requirements and their costs, as we are concerned that those will be designed with big estates rather than crofters in mind. Licensing should be accessible for all land managers and requirements should be proportional to the capacities of all those involved and the risk of activities, with specific training targeted at the small-scale crofting context. Considering that the Werritty report does not mention crofting at all, and that it was not until SCF contacted Scottish Government in relation to this consultation that we were invited for a meeting, we have legitimate concerns that measures are not designed with crofting in mind.

Section 3 – Trapping and Snaring

3.1 Wildlife Traps

25. The Scottish Government proposes that a person operating a wildlife management trap must apply for a unique identification number which they must then attach to any traps that they set outdoors, do you agree that this proposal should apply to (select all that apply):

Live capture traps for birds

Live capture traps for mammals (except rodents)

Traps listed in the Spring Trap Approval Order

Rodent kill traps

Live capture traps for rodents

None of the above

Unsure

Other traps (please specify)

26. The Scottish Government proposes that a person operating a wildlife management trap outdoors must successfully complete an approved course dealing with the relevant category of trap, do you agree that this proposal should apply to (select all that apply):

Live capture traps for birds

Live capture traps for mammals (except rodents)

Traps listed in the Spring Trap Approval Order

Rodent kill traps

Live capture rodent traps

None of the above

Unsure

Other traps (please specify)

27. This question should only be answered if you agree that training should be required for at least one of the traps listed in question 26. The Scottish Government proposes that a person operating a wildlife management trap outdoors must undergo refresher training every 10 years, do you agree that this proposal should apply to: (select all that apply)

Live capture traps for birds

Live capture traps for mammals (except rodents)

Traps listed in the Spring Trap Approval Order

Rodent kill traps

Live capture rodent traps

None of the above

Unsure

Other traps (please specify)

28. Do you agree that record keeping and reporting requirements should be part of the registration scheme?

Please note that record keeping would involve noting down the activities carried out under the licence (e.g., the number and kind of traps used under the licence, the number of each species caught or killed using licenced traps, and the number of days the traps were set for) and providing these if/when they are requested. Reporting requirements would involve the active reporting of activities carried out under the licence on a regular basis.

Record keeping Reporting requirements Neither Unsure

29. Do you agree that an individual found guilty of the offence of:?

- using a trap without valid training from an approved body;
- using a trap without being registered to do so;
- using a trap without displaying an identification number correctly on the trap;
- falsifying records or identification number;
- using a trap on land without landowner permission;
- failing to comply with the duty to keep trapping records.

should be liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both). A level 5 fine is currently £5,000.

Yes

No

Unsure

30. If you answered no to question 29 please explain the reason for your answer (max 150 words):

The recommendations on traps and training of the Werritty report explicitly target estate managers and their staff and the suggested penalties reflect this. Penalties should be proportionate to the offence and the level of culpability and should not deter legitimate and necessary use of wildlife traps due to the disproportionality of penalties even in case of negligence. Awareness raising and capacity building should be central to Scottish Government's approach to ensure compliance with new requirements and to achieve its animal welfare objectives.

31. Please provide any further comments on the questions in this section here:

Wildlife traps are never a pleasant but sometimes necessary means for wildlife management. SCF recognises the benefits of training to secure appropriate use and minimise negative impacts on animal welfare. Rodent traps (kill or live capture) should be exempt, or at least a similar exemption to indoor use should apply to use by individuals on the grounds around their residence. The recommendations on traps and training of the Werritty report explicitly target estate managers and their staff but the scope of the suggested measures is much broader to include any “person operating a wildlife management trap”. Requirements, notably in relation to training, should be proportional to the capacities and resources of crofters and the risks involved, to ensure that necessary wildlife trapping remains an option that is available to all land managers.

3.2 Glue Traps

32. Do you agree that the use of glue traps designed to catch rodents should be banned in Scotland?

Yes No Unsure

33. Do you agree that the sale of glue traps designed to catch rodents should be banned in Scotland?

Yes No Unsure

34. Do you agree that there should be a two year transition period before the ban on glue traps comes into force?

Yes No Unsure

35. Please provide any further comments on the questions in this section here.

Two years is too long for a transition for the banning of glue traps due to the risks of animals suffering. 6 months would be sufficient.

Section 3.3 Snares

36. Do you agree with the recommendations from the statutory review of snaring that operators should be required to update their records at least once every 48 hours, unless they have a reasonable excuse not to and that these records should be made available to the Police on demand if the police arrive at the location where the records are kept, or within 7 days to the police station?

Yes No Unsure

37. Do you agree with the recommendations from the statutory review of snaring that a power of disqualification should be introduced for snaring offences?

A disqualification order can stop you from owning, keeping, selling, transporting or working with animals or running a service which involves being in charge of animals.

Yes No Unsure

38. Please provide any further comments on the questions in this section here.

Section 4 – Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published).

39. How satisfied were you with this consultation?

- Very dissatisfied
- Slightly dissatisfied
- Neither satisfied nor dissatisfied
- Slightly satisfied
- Very satisfied

Please enter comments here

With this being such an important consultation, we were disappointed to see only a seven-week window for responses, despite other crucial consultations for the land management sector (notably Agriculture Bill) running in parallel. Although as an organisation we were appreciative of the extension that was granted, individual crofters would have faced similar issues. We were told that a reason for a shorter timeframe (normally 12 weeks) was that consultation meetings were held simultaneously, yet as far as we know SCF was never invited until we got in touch with Scottish Governments policy team. This confirms our concerns that the measures under this wildlife consultation are designed with large (sporting) estates in mind, despite its wide scope and its potentially significant impacts on crofters and crofting communities. Lastly, although we appreciate a consultation that is short and to the point, it should be possible to explain and elaborate on positive answers rather than only negative responses that oppose the proposals.

40. How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?

- Very dissatisfied
- Slightly dissatisfied
- Neither satisfied nor dissatisfied
- Slightly satisfied
- Very satisfied
- Not applicable