

Response ID ANON-JDY3-NAFB-H

Submitted to Wildlife Management and Muirburn (Scotland) Bill
Submitted on 2023-05-04 20:30:12

About you

1 Please read the privacy notice below and tick the box below to show that you understand how the data you provide will be used as set out in the policy.

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2 How your response will be published

I would like my response to be published in its entirety

3 What is your name?

Full Name:
Miranda Geelhoed

4 What is your email address?

Email:
miranda@crofting.org

5 Are you responding as an individual or on behalf of an organisation?

Organisation

6 Which local authority area do you currently live in?

Please select an option from the dropdown menu.:
Highland

Organisation details

1 Name of organisation

Name of organisation:
Scottish Crofting Federation

2 Information about your organisation

Please add information about your organisation in the box below:

Established and run by crofters themselves, SCF is the only organisation dedicated to campaigning for crofters and fighting for the future of crofting.

By actively engaging with public authorities, we influence policy on rural, agricultural, social and environmental issues. Originally set up in 1985 as the Scottish Crofters Union, the organisation continues to protect and promote the interests of crofters and the crofting community.

Your views

1 Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)?

Yes

Please provide your reasons for your answer in the box provided.:

2 Do you agree there is a need for additional regulation of the use of certain wildlife traps?

Yes

Please provide your reasons for your answer in the box provided.:

Yes, in relation to traps for the live capture of birds and mammals but with the exception of rodents. Rodent traps (kill or live capture) should be exempt from further regulation, or at least a similar exemption to indoor use should apply to use by individuals on the grounds around their residence.

3 Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)?

No

Please provide your reasons for your answer in the box provided.:

SCF agrees with a licensing system but not in relation to traps used for rodents (indoor and outdoor). 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. Awareness raising and capacity building should be central to the Scottish Government's approach to ensure compliance with new requirements and to achieve its animal welfare objectives. Penalties should be proportionate to the offence and the level of culpability and should not deter legitimate use of traps due to the disproportionality of penalties even in case of negligence.

4 Do you agree there is a need for additional regulation of land to be used to shoot red grouse?

Don't know

Please provide your reasons for your answer in the box provided.:

N/A

5 Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)?

Don't know

Please provide your reasons for your answer in the box provided.:

N/A

6 Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)?

Don't know

Please provide your reasons for your answer in the box provided.:

No answer

7 Do you agree there is a need for the additional regulation for muirburn?

Yes

Please provide your reasons for your answer in the box provided.:

Yes, but any additional requirements should be designed and implemented with crofting in mind. SCF has legitimate concerns in this regard as the Werritty report is focused on sporting estates and does not mention crofting at all.

Where additional regulation is put in place or where existing rules are reformed there should be a solid evidence basis. For example, it is unclear why the Bill proposes to change the definition of 'peatland' from 50cm to 40cm – contrary to the views obtained through the public consultation (44% of those answering the question said that the definition should not be amended versus 38% who thought that it should). 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.

8 Do you agree with the proposed licensing system for muirburn (sections 9-19)?

No

Please provide your reasons for your answer in the box provided.:

SCF supports mandatory training on muirburn as a safeguarding measure, a check on competence and a way to promote and support best muirburn practice. Such training should be accessible and adequate for the circumstances and needs of crofters. However, we are greatly concerned about a licensing system and the potential costs and admin burden involved. As stated above, the proposals for a new system have been designed with big sporting estates rather than crofters in mind. The risk is that licensing requirements will have a disproportionate impact on crofters and may prohibit crofters from using controlled burning as a land management tool. This is particularly concerning in light of the scope of the licensing requirement which we understand would include any use of fire to control vegetation apart from stubble burning - a much broader definition than what most crofters will understand to be 'muirburn'.

Research in other countries has shown that licensing requirements may not lead to stricter compliance with fire legislation (e.g., New Zealand - Langer and McGee 2017; Brazil - Carmenta et al 2013; French Pyrenees - Coughlan 2013).

It is noted also that the United Nations Environment Programme (UNEP), in its report 'Spreading like Wildfire: The Rising Threat of Extraordinary Fires' (2022) recommends for support for and integration of traditional fire management in policy (p 16), in recognition of the potential of "traditional knowledge and experience [...] in informing land management practices that assist in the prevention and mitigation of wildfires". A distinction between regulatory requirements for sporting estates and for traditional use of fire in a crofting context, would be a way to implement the recommendation in Scotland.

SCF supports mandatory training at low-cost, which is targeted specifically at the small-scale crofting context. Additionally, SCF calls for a funded muirburn alternatives programme to be put in place to support crofters to consider alternative approaches for the management of vegetation. Support measures should include, but should not be limited to, a hill cattle premium specifically to encourage the control of vegetation through cattle grazing, enhanced support in CAGS for cattle-related items and capital grants for cutting equipment.

Lastly, and notwithstanding our position on licensing outlined above, a number of important questions will need to be answered before any new regulatory requirements in relation to muirburn are put in place, including:

- For what time-period will a licence be granted?
- Who will be responsible for licensing applications, notably in relation to muirburn on common grazings, and what does this mean for liability?
- What will licence requirements include and what will it cost?
- How will peat depth be measured and who is responsible?
- How will compliance with the Muirburn Code be judged/monitored?