

**Scottish Parliament  
Rural Development Committee  
Official Report**

**Meeting No 8, 2003**

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25 February 2003

**Scottish Parliament  
Rural Development Committee**

*Tuesday 25 February 2003*

*(Afternoon)*

Col 4363

[THE CONVENER *opened the meeting at 14:02*]

**The Convener (Alex Fergusson):** Good afternoon, ladies and gentlemen. I welcome everyone to this meeting of the Rural Development Committee. As always, I ask that all mobile phones be turned off—that applies to members just as much as it applies to people in the gallery. I thank members of the public for coming along.

We have apologies from Fergus Ewing, Irene Oldfather and John Farquhar Munro, who I think will be substituted by Nora Radcliffe.

**Rhoda Grant (Highlands and Islands) (Lab):** Elaine Smith sends her apologies, as she is not well.

**The Convener:** Please convey to her our best wishes for a speedy recovery.

**Raptors (Licensed Culling) (PE187)****Predatory Birds (PE449)**

**The Convener:** The first item on the agenda is consideration of two petitions from the Scottish Gamekeepers Association. Petition PE187 calls for a limited licensed culling of raptors, and petition PE449 seeks an investigation into the impact of predatory birds on wild birds, fish stocks and reared game birds.

At its meeting on 14 January 2003, the committee agreed to take evidence from the petitioners and from other witnesses. Accordingly, we will hear from three panels of witnesses. I welcome the members of the first panel—Alex Hogg and Bert Burnett of the Scottish Gamekeepers Association. We have received various background papers relating to the petitions. I invite Alex Hogg and Bert Burnett to make a brief opening statement, as time today is fairly limited. The witnesses might like to indicate whether they think that progress has been made since the petitions were lodged on the issues they raised.

**Bert Burnett (Scottish Gamekeepers Association):** Thank you for giving the Scottish Gamekeepers Association the opportunity to speak to our petitions. I will start by giving the background to the petitions. It is almost four years since we submitted our first petition, PE187, which asked for licensed control of predatory birds. That petition was put back repeatedly and we were given no opportunity to state our case. We assume that that was because of advice given to ministers by Scottish Natural Heritage and RSPB Scotland.

In an attempt to resolve the issues that PE187 raised, it was finally decided that we should be taken on to the moorland forum, so that our raptor problems could be addressed. That was a good idea, but it would help us to deal with only part of our problem, as most raptors live in low-ground areas. Therefore, our only option was to submit petition PE449, in an attempt to reach the Rural Development Committee. Having our problems addressed only through the forum restricts our ability to ensure that politicians and the public receive a balanced view of the arguments. It is important that members of the Scottish Parliament should hear the other side of the argument, so that they can draw conclusions that are based on all the facts.

Col 4365 Many millions of songbirds are dying from cat, crow and mustelid predation. Others have found that their natural nesting sites have disappeared. According to RSPB reports, small-bird and wader populations are at an all-time low. Conversely, raptor numbers are at a high of almost half a million. Raptors are putting more pressure on the already low songbird and wader populations.

It can be argued that the United Kingdom has the highest concentration of raptors in the world. More than 200 million small birds and waders are killed and eaten by raptors every year. The fact that many of those are rearing young, which also die when deprived of parental care, raises the death rate even higher.

In the same breath as claiming that the killing of 200 million small birds by raptors has no impact on the overall population of songbirds, the bird protection lobby claims that the loss of one raptor will threaten the viability of the species. Numbers of waders, woodland grouse, partridge, thrushes and sparrows are declining. Raptors such as peregrines, sparrow-hawks, buzzards and goshawks are increasing in number. Every day, they feed on birds whose populations are declining.

If a fox is attacking a farmer's lambs, the farmer has the right to dispose of the fox to protect his stock and his livelihood. I ask the committee to consider whether other individuals should not also have the right to protect their stock and their livelihood when they are threatened by predator attacks. At the moment, we are being denied that right.

I ask the committee to consider whether it is time that we started to manage predatory bird populations, in conjunction with habitat management, in an effort to halt the decline in songbird and wader numbers. As we have no confidence in the ability of SNH and its friends, the RSPB, to be objective about the issue, we would like the Rural Development Committee to instigate an independent inquiry into the impact of protected species on private stock and other wildlife.

**The Convener:** Thank you for the concise nature of your statement, which will give us much more time for questions.

**Richard Lochhead (North-East Scotland) (SNP):** That was quick. I have two questions. Bert Burnett said that there is a large population of raptors in Scotland in comparison with that in other countries. The briefing that we

have received from RSPB Scotland states:

"Almost all birds of prey ... have not yet reached their potential population levels and ... they are still recovering from the historic legacy of persecution."

It also states:

"we have less breeding bird of prey species than most other EU countries".

That contradicts what the witness has told us. Where did he get his figures from and where might

Col 4366 the RSPB have got its figures from?

**Bert Burnett:** It is hard to imagine that anywhere else has more raptors than Scotland does. Buzzards and sparrow-hawks are everywhere. You name it; they are out there. If the population of raptors is thicker in Europe than it is in Scotland, it would be surprising if those countries had any birds left.

**Richard Lochhead:** Is your evidence anecdotal evidence?

**Bert Burnett:** As a small organisation, we do not have access to scientific data from other countries.

**Richard Lochhead:** You say that there are more raptors in Scotland than there are in other countries.

**Bert Burnett:** It is certainly true that there are more raptors in Scotland than there are in England.

**Richard Lochhead:** That is just your impression.

**Bert Burnett:** Yes.

**Richard Lochhead:** I understand that the moorland forum has been up and running for quite a few months and that the Scottish raptor monitoring group was established last June. Have the ideas that you have put to the committee today been discussed in those forums? Are you making any progress with your suggestions and do they have other supporters in those forums?

**Bert Burnett:** There are supporters among land management and shooting interests on those forums. The raptor study groups have refused to speak to us. The police have tried to broker a meeting between us and those people. They refuse on the ground that they do not want to speak to us.

In the moorland forum, we are currently bogged down in trying to get habitat and other issues sorted out, such as deer fences and agricultural matters. We have not yet got on to the raptor situation. We are currently discussing diversionary feeding for harriers. That is on-going.

**Richard Lochhead:** Would that be an appropriate forum to discuss this sort of issue?

**Bert Burnett:** It is an appropriate forum for harriers, peregrines and perhaps eagles; it certainly does not cover our other needs on the lower ground.

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** A lot of the evidence is anecdotal; I have another piece of anecdotal evidence. I have lived on Deeside for nine years. When I moved there, there seemed to be far fewer

Col 4367 buzzards and birds of prey than there are now. The anecdotal evidence that we have heard hits a chord, in my experience. In considering the evidence from the RSPB and the Scottish Gamekeepers Association, what strikes me is that there seems to be a lack of empirical evidence and statistics. Are you calling for an independent inquiry so that we can obtain that empirical evidence?

**Bert Burnett:** Yes. In the past, raptor numbers have been quoted. The only estimate of buzzard numbers in Scotland—in fact I think that this figure is for the UK—is 17,000 pairs. I assure the committee that there is a pair of buzzards for almost every 150 acres in Scotland. We did a small dip-in survey to see what the problems were, and that is the finding that it produced.

**Mr Rumbles:** You seem to be saying that although your participation in the moorland forum is welcome, it is not good enough, and you are calling for us to initiate an inquiry—whether we call for somebody else to do it or initiate it ourselves. Is that what you are asking us to do today?

**Bert Burnett:** The matter is fairly well covered in relation to the moorland, although there are disputes about how the numbers of harriers, peregrines and so on are obtained. However, nobody has produced statistics for the low ground. The RSPB, SNH and so on have produced estimates. They have come up with figures, but we dispute them. We are out there every day and we know what is flying around and doing damage; it is certainly not the small number that they state.

**Alex Hogg (Scottish Gamekeepers Association):** The British Association for Shooting and Conservation did a survey on buzzard predation. It produced a glossy pamphlet that said that the problem was not as bad as we are making out. We asked the BASC where that survey had taken place. It had taken place in England, but the BASC would not disclose exactly where in England. We feel that the survey is not relevant to Scotland.

**The Convener:** I will ask a couple of questions that relate particularly to PE187. So far we have been talking about PE449.

In PE187, you ask for action

"to allow limited licensed culling of raptors under the terms of the 1981 Wildlife & Countryside Act (as amended) in areas where local populations have increased beyond normal sustainable levels."

Who do you envisage deciding when the populations have advanced beyond "sustainable levels"?

**Bert Burnett:** I will take buzzards as an example, because they are the most prolific bird, and they have given us the most problems in the  
Col 4368 lower areas. If a quota system of some kind were introduced for buzzards, we would be able to manage the population. For example, if we were to use the figure of three buzzard nests on a 1,000 acre area that would be three pairs of buzzards every 1,000 acres. If there were any more than three nests, we could deal with the buzzards. We deal with crows—we take them out all the time. They, like buzzards, have a sustainable population. To ensure that no one was exceeding the score, and trying to wipe out buzzards, which we do not want, we envisage that only extra buzzards and extra nests would be taken out. That would not hurt the sustainability of the buzzard population overall.

**The Convener:** I have a degree of sympathy with Mike Rumbles's

comments, because I used to look out from my door and see a pair of buzzards, and now I commonly see six, and they often fight among themselves for air space. Much has been written in the press, last week in particular, about illegal poisoning of raptors. Do you believe that if a licensed cull scheme were introduced, it would cut the number of illegal poisonings?

14:15

**Bert Burnett:** We accept that there is a degree of illegal poisoning, and we are working hard with the police to get that down to nothing. One of the problems is frustration, and not only for gamekeepers, who read in the press that they are doing the damage. Other people are also resorting to poison, because they have no other way of addressing the problem. Birds such as red kites are becoming caught up in those incidents. If we were allowed to deal with the problem under licence, covert poisoning would not be necessary. People could get rid of the problem through whatever means.

**Richard Lochhead:** Who are talking about? You said gamekeepers are not doing the poisoning.

**Bert Burnett:** I am not going to point the finger at anybody, but there are other people who have interests in the countryside.

**Richard Lochhead:** Give us some examples.

**Bert Burnett:** People have problems with black-backed gulls killing lambs, and with ravens.

**Richard Lochhead:** Are you talking about farmers?

**Bert Burnett:** They might not be farmers. People who work on farms might decide to take action themselves. We do not know. We just know that things are turning up that have nothing to do with gamekeepers. We have looked into the matter as closely as we can, and have had to make estimations about what is going on.

Col 4369 A few years ago, a red kite was found and it was full of sheep—mutton, lamb or whatever. That had nothing to do with a gamekeeper. If someone wants to get rid of a problem, all they have to do is to throw down poison. People who do that live in the country just like us. They see something coming into their gardens and stealing their hens. What they do about it is up to them; we cannot be responsible for them.

**The Convener:** In PE449, you ask for an independent inquiry into the impact of raptors. If such an inquiry took place, I assume that you would be content for it to determine whether there was a need for limited licensed culling of raptors. In other words, is it fair to say that petition PE187 is secondary to petition PE449?

**Bert Burnett:** We would go along with that.

**Stewart Stevenson (Banff and Buchan) (SNP):** Like others on the committee, I never go north to my constituency without seeing a buzzard at some point during the weekend. It is said that the increasing number of raptors are preying on a variety of other rare species—mammals and birds. Would you care to expand on that, in particular on predation of mammals?

**Bert Burnett:** There has been an increase in the population of raptors. Their main staple diet, the rabbit, is dying off. The rabbit has viral haemorrhagic disease, and is disappearing all over Scotland—I do not know about England. Everyone is reporting the demise of the rabbit, which cuts down on the food supply available to birds. Birds are attacking young waders—chicks that cannot fly—and feeding on them in the fields because there are no rabbits to eat. That has happened before, but this time the situation worse. There are many buzzards in the air and not enough road kills for them to eat. They cannot live only on carrion as has been suggested; they are killers and will take full-grown pheasants. Therefore, although the birds' usual food supply is reducing, their numbers are increasing.

It is a myth to say that the food supply will govern how many raptors there are. It will in the finish, but by that time, what will we have lost? Many things are being killed on the hills. For example, dunlin, curlew and golden plover are steadily being killed by peregrines—everybody on the hills, and even the RSPB in its figures, report that those particular waders are beginning to disappear. There is no agriculture up there to make them disappear, so it is nothing to do with sheep; it is to do with predation. We

must examine that. We must try to save the birds that we have left—we are with the RSPB on that—but we are not so blinkered as to believe that the situation is just down to bad farming practices.

Col 4370 **Stewart Stevenson:** I want to bring some objective information to the table, because a lot of what we are hearing from members and the witnesses is based on what we as individuals see in the countryside. An experiment at Langholm showed a violent oscillation in the number of raptors as management practices changed. What conclusions did you draw from that experiment, and what does it say about the rest of Scotland?

**Bert Burnett:** Langholm is a prime example of what will happen if raptors get a free hand to do as they want all over the place, and if there are more and more of them than there are today. At Langholm, they started off with two pairs of harriers. They decided to do an experiment to see what would happen if they increased the number of harriers, which they managed to do. Persecution might have been keeping the numbers down, but we do not know. The number of harriers increased to 28 pairs, not just in the area in which the scientists were working, but outside that area as well. They devastated the grouse.

The RSPB and SNH made excuses and said that degradation of the ground caused the problem, but it did not. The ground is the same today as it was when they started the experiment. Each year, 2,000 grouse were being killed on that moor. Now, few grouse are left on it. The harriers have gone down to two or three pairs, because there is nothing for them to eat. They have eaten themselves out of house and home. Diversionary feeding has been introduced in an attempt to alleviate the problem of the harriers eating all the other birds, but that is not working either. It is bringing in other vermin species, because they are drawn in by the food supply. The situation is not being considered properly. There is a lot of spin on it.

**Alex Hogg:** The important thing about Langholm is that when the experiment started, the head gamekeeper had two pairs of harriers on the ground, plus they were shooting 2,000 brace of grouse, and they employed five people. He was asked what he thought the ground could stand, and he thought that it might be two pairs. After the experiment finished, there was no gamekeeper, and the harrier numbers dropped back down again to two pairs, because the foxes and crows ate the harriers' eggs. However, there were no grouse, no gamekeepers and there was no employment.

**Bert Burnett:** And no rural income.

**Stewart Stevenson:** So you would argue that it is only with active management of the whole ecology of an area that we can achieve a proper balance between sporting birds, naturally occurring birds that are of value to tourists, and the raptors. That is your basic conclusion.

Col 4371 **Bert Burnett:** Yes. I am sure that diversionary feeding would work in some areas, but it is not the answer to the problem, because it keeps numbers at a false level, and creates another problem.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** You mentioned rabbits disappearing as a food source through VHD, but in recent years there has been a big drop in the number of sheep that die in winter, due to better medicines and so on, so that is another raptor food source that has disappeared. I believe that the Forestry Commission is stopping its rangers leaving the grallochs out on the hill from stags and hinds that have been shot. Will you comment on that? Is that policy good or bad?

**Bert Burnett:** That will be extremely significant in areas where there are eagles, which would feed on sheep carcasses. Although it has been illegal for a long time to leave dead sheep lying out on the hill, I know that it happens. They might have ended up somewhere where the shepherd has not been able to see them. In the main, shepherds pick up such sheep and take them home. There are many instances of eagles following stalkers to get the grallochs. If the grallochs are removed and buried, then a food source for the eagles is removed.

White hare populations are also going down. We do not understand why, but we think that it is more to do with the weather than with anything else. Fifteen years ago, 2,000 white hare would be shot a day—they were treated as pests. Now, all of a sudden, they are not surviving. They are suffering from worms and dying of God knows what else. If their population goes down, that will affect the birds on the hill.

**Mr McGrigor:** I am led to believe that the red grouse is one of the main sources of food for the golden eagle. Although birds of prey abound in Europe, I believe that grouse are unique to the British isles. Is that right?

**Bert Burnett:** That is correct.

**Mr McGrigor:** So the species could face extinction if the current policies

continue to be followed. Other birds, such as curlews, golden plover and blackgame are also more prevalent here than in other parts of Europe. There seems to be a drive to have only birds that people can spot easily, for example, hawks, which have big wingspans. That is to the detriment of many other birds, especially songbirds. What are your comments on that?

**Bert Burnett:** What you say is absolutely correct. The birds that you mentioned are out there and visible, and they are the ones that everybody wants to see. Nobody seems all that interested in the smaller birds and their numbers.

Col 4372 One gamekeeper went out to a peregrine nest with a raptor working group guy. The gamekeeper climbed up to the nest to ring the birds and, when he looked down into the nest, he saw seven partly eaten ring ouzels. When the gamekeeper mentioned that to the raptor working group person, he just said, "But we're no interested in ring ouzels." We are interested in them, however.

**Mr McGrigor:** You said that diversionary feeding is not much of an option. Have you ever tried diversionary feeding, for example by leaving out dead deer, dead sheep and so on as an extra food source for raptors?

**Bert Burnett:** We are willing to try anything to solve our problem. We latched on to diversionary feeding and decided to feed the buzzard population. I personally fed the buzzards for one year, and I will not repeat the experience. My buzzard population just about doubled because they had a food source. I was going out at night, shooting rabbits and leaving them lying in the field for the buzzards to eat. I ended up with buzzards, big black-backed gulls, crows, ravens—you name it; they came and fed in those fields. Now, I take anything dead that I see in a field and stuff it down a rabbit hole or bury it someplace oot the road. There is now nothing left to encourage creatures to come to my fields. The effect of diversionary feeding is the reverse of what is desired.

**Alex Hogg:** I can back that up. The effect of feeding the buzzards was exactly the same when I did it: I ended up with far too many. All we seek is a balance.

**Rhoda Grant:** To go back to the independent investigation that you seek, who do you envisage carrying out such an investigation? RSPB Scotland would seem to be the obvious organisation, but you would perhaps not take its findings seriously.

**Bert Burnett:** We do not take RSPB Scotland seriously, because it is so into raptors and nothing else. It makes a big song and dance about being interested in various things, but some of the stuff that it does makes us wince. It stopped crow and fox control as an experiment to save the capercaillie. The capercaillie population crashed. In the Uists, RSPB Scotland does not seem to have any idea what it is doing with the hedgehogs. Everything is for the public's consumption; it has nothing to do with what needs to be done.

**Rhoda Grant:** In that case, who would carry out the independent investigation that you seek?

**Bert Burnett:** Surely there are independent scientists out there—perhaps at the University of Stirling or somewhere—who could be trusted to do such a job.

Col 4373 **Rhoda Grant:** So you would want a university to conduct the investigation rather than a government agency or an organisation such as the RSPB.

**Bert Burnett:** An investigation that was carried out by the RSPB would not have any credibility with us. If the results came up wrong, people would just shout "Foul". However, if the results came up wrong after an independent investigation, we would have to accept them. We regard SNH as being in the same boat, because it has been fairly well infiltrated by the RSPB.

14:30

**Rhoda Grant:** Once an independent impact assessment had been done, you would have to find a way of agreeing what kind of impact would be sustainable. Any such impact would obviously be down not so much to the area of land but to the food supply that is available on that land. You have asked for an independent investigation, but how would the results be used to reach agreement? After all, there seems to be little agreement on the information that is currently available.

**Bert Burnett:** I do not see how we can do anything unless people agree that there is a problem. At the moment, no one thinks that there is a problem. Once everyone accepts that there is a problem, we will be able to work from a different platform.

I want to draw a parallel with the situation on the Uists. RSPB Scotland and SNH have accused us in the press of raptor persecution, claiming that more than 100 birds are poisoned a year. However, science laboratory figures show that only 25 raptors were poisoned. That already shows a discrepancy. Furthermore, what happened in the Uists is more of a management issue, which is why we do not trust anyone on the matter. Seventeen years ago, the gamekeepers on Uist told SNH that there was a problem with hedgehogs, but SNH did nothing for nine years. Then the RSPB told SNH about the hedgehog problem, and SNH spent six years trying to find out what the problem was and whether it was caused by hedgehogs. Two years after that, SNH came to a decision. If SNH had made the same decision 17 years ago when it was first told about the matter, there would have been no problem. Exactly the same thing is happening with raptors and predatory birds, and will happen with predatory animals such as pine martens. They will become so numerous that they will cause problems.

**Rhoda Grant:** That does not really help us with the question of how you will get people to sit down and reach an agreement.

Col 4374 **Bert Burnett:** To reach an agreement, we have to acknowledge that there is a problem. SNH and the RSPB are not even acknowledging that.

**Rhoda Grant:** Would an independent investigation help them to acknowledge that such a problem exists? I am concerned that both sides seem so far apart on this matter that getting people to agree on a way forward—with or without an independent investigation—will be very difficult. The moorland forum was seen as a possible way of getting people to work together and reach an understanding.

**Bert Burnett:** With all due respect, that is not going to happen, because the stance that SNH and the RSPB have taken on the Uists prevails in the forum. They have stated that no one can kill raptors because of the 1979 European Commission birds directive. However, article 2 of the directive says:

"Member States shall take the requisite measures to maintain the population of"

bird

"species ... at a level which corresponds ... to ecological, scientific and

cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level."

That does not mean that the level need necessarily go up; it can also come down.

We believe that the mechanism is there to do that, once we have decided that there is a problem. Our argument is that if there are 200 million birds, some of which are endangered and are being killed annually, there is an ecological balance. If raptors and ravens are reducing endangered grouse stocks to a level that is not viable, the situation is not only ecological but cultural and economic. If individual gamekeepers are losing thousands of pounds of stock, they risk losing their jobs and that brings economic damage to the whole rural community. The situation is the same for tourists who come to Scotland to fish or shoot as part of their recreation. If game numbers are not viable for shooting or fishing, the effects are recreational and financial as well.

The requirements are within the derogation. When we ask SNH about this, it says, "No, you cannot do that. You just cannot kill raptors." People can get a licence to kill a robin for fouling fruit in a supermarket, but we cannot get a licence to kill a buzzard or raven that is doing harm. If we were lucky, we might get someone to investigate within six months of our reporting it, but we will not get a licence. We want a level playing field that enables people to get their problems investigated and dealt with immediately. That would stop people taking the law into their own hands in trying to protect their stock.

Col 4375 **Richard Lochhead:** The UK raptor working group reported in February 2000. I am not too knowledgeable about the extent to which the group considered the issues that you are raising. However, recommendation 24 of the report, to which the Executive responded in April 2002, said:

"We recommend that the results of the current research into predation impacts at lowland pheasant release pens ... be widely disseminated throughout the lowland game shooting community."

The Executive's response was:

"The British Association for Shooting and Conservation has produced an interim report on the current research indicating a low level of predation of raptors. The report suggests that predation could be further reduced by

habitat management measures."

**Bert Burnett:** It is like teaching your granny to suck eggs. The British Association for Shooting and Conservation brought out the report in conjunction with SNH and the RSPB. I know that I am being cynical, but when I read the report all I see is the BASC trailing along behind SNH and the RSPB, doing what it is told.

**Alex Hogg:** The report is of a study that was done in England. England has nowhere near the number of raptors that Scotland has.

**Richard Lochhead:** I was just looking for alternative viewpoints. I do not think that the BASC would necessarily be in the same bed as the RSPB, but I could be wrong.

**Bert Burnett:** The BASC's recommendations are good. There is no doubt that they help, but we have been doing all that the BASC recommends all the time. We have been trying to protect our stock from all sorts of problems for years. We have tried every avenue that we can. The problem is that we might be able to protect our stock within a pen, but once the birds fly out of the pen and start to disperse, the raptors just follow them.

**Nora Radcliffe (Gordon) (LD):** We are monitoring raptor numbers, but what other species should we be monitoring? You mentioned curlew, dunlin, golden plover and ring ousels. How many seasons would we need to get a feel for the trends?

**Bert Burnett:** That would definitely be in SNH's ballpark. We are gamekeepers. We do not have time to survey, or to count every nest. We do not have the finances for a start.

**Nora Radcliffe:** I am not asking you to do it; I am asking which species should be involved in that sort of study and for how many seasons we would need to do it to get meaningful data.

**Bert Burnett:** That depends on the predation on the moor. You could ask SNH when the witnesses arrive. At the moment, a bunch of estates are going to go together and try diversionary feeding. I

Col 4376 have spoken to SNH about that. One of the things that we are insisting on is that we take an inventory of all the species on those estates now. If, after an increase in the numbers of harriers or peregrines—or whatever species they are trying to increase—the inventory is depleted, our point will have been made.

**The Convener:** Further to Nora Radcliffe's question, I seek clarification on one point. If the inquiry that you seek were to be put in motion, how long would you see it having to monitor trends and impacts to make a meaningful independent assessment of what is going on?

**Bert Burnett:** I imagine that it would be the same as Langholm. It took only five years for Langholm to go down the tubes.

**Mr McGrigor:** The RSPB often says that bad farming practices are responsible for the decline in the small bird population. However, on a grouse moor, there does not tend to be overgrazing by sheep does there? Are pesticides ever used on grouse moors or on any moorland for that matter?

**Alex Hogg:** I doubt it. They might be used to control bracken.

There are only 200 grouse moors left in Scotland and they bring in something like £14 million to the rural economy. If those moors have endangered species on them—such as ring ouzels, dotterels, lapwings and curlews—why can the Government not license the grouse moors in some way? In that way, when a raptor or raven or other predatory bird appeared, the gamekeepers could phone the Government and ask it to remove the raptor, because the land would be a registered grouse moor. That would not just benefit the grouse; other bird species would benefit and their populations would rise. That would seem to be a common-sense thing to do.

**The Convener:** On that note, we must draw this evidence session to a close. I thank you both for the way in which you have answered the questions and for giving up your time to come to the committee. You are welcome to stay with the committee for the rest of the meeting.

I welcome our second panel of witnesses, Professor Des Thompson and Professor Colin Galbraith, who are from Scottish Natural Heritage. Thank you for giving up your time to come and see us this afternoon and for your written submission. I invite you to make a brief opening statement.

**Professor Colin Galbraith (Scottish Natural Heritage):** I thank the committee for giving us the opportunity to talk to you this afternoon.

We have given a written submission and I hope that that is helpful. The issues that are raised by the petitions have been considered by SNH during recent years. Perhaps the most detailed

Col 4377 consideration of the overall issue is to be found in the report from the UK raptor working group, of which I was the chair before I moved to SNH.

That report made many recommendations about the status of birds of prey, and the work required to manage the interactions between birds of prey and other species, taking account of grouse shooting, racing pigeons, lowland game birds and songbirds. The recommendations are important, in that the UK raptor working group was made up of landowning and shooting interests and the report was consensual.

Mention has been made of the EC birds directive. I want to mention that only briefly, in that, as the gamekeeper said, article 2 makes general statements. Article 2 should be read alongside article 9 for derogation and the ability to derogate. Again, those issues are covered in some detail in the UK report.

SNH set up a moorland working group about five and a half years ago. We have now formed the moorland forum, which we heard about earlier. The forum is made up of 25 organisations and there are already sub-groups from that forum. One such group is chaired by the Scottish Landowners Federation and deals with policy issues; another is chaired by the Heather Trust and deals with public relations and promotional issues. The moorland forum is inclusive. It is certainly still young, it has time to go, and there are encouraging signs from its early days, although I accept that there is more to do. The forum is trying to pursue and clarify the role of moorlands in maintaining and enhancing biodiversity. It is important that we in SNH state that we see that grouse moors provide an important habitat for wildlife overall.

From my point of view, it is a shame that we are dealing with what might be termed a vestige of Victorian values when it comes to managing raptors. Where there is persecution, we have a problem. Beyond that, however, SNH and the gamekeepers have much common ground and practice. One example is mink control on the Western Isles, where SNH contracts and employs on-site gamekeepers through various routes. I

would not like to give the impression that we are poles apart; there is much commonality between us.

14:45

As regards research, we are undertaking collaborative work to show that it is possible to reduce the take on game birds through non-lethal methods. In that respect, we think about habitat management and supplementary feeding. The latter is a fine-tuned method; it is not simply a matter of putting out masses of prey, but involves timing and positioning.

Col 4378 We note, even in this weekend's press, as the convener said, that public interest in birds of prey perhaps goes beyond interest in other species. We are encouraged that the SGA would expel any member if they were found to be persecuting and acting outside the law. It is right to close by noting the strength of feeling in the country about birds of prey.

With that, Professor Thompson and I would be happy to answer questions.

**Mr Rumbles:** SNH's written response to the gamekeepers' petition suggests that an independent inquiry is not required and that the matters in question have been reviewed comprehensively within the report of the UK raptor working group.

The SGA witnesses have just made the point that the situation with raptors in England is quite different from that in Scotland. They emphasised that the working group report is a UK report. Could you enlighten the committee on where most of the research work was undertaken? How much of it was done in Scotland?

**Professor Galbraith:** The report is a compilation of information; it is not just one piece of research. The group is made up of SLF membership and there was a strong Scottish component within the group. I happened to be chairperson because, at that time, I was involved in the UK Joint Nature Conservation Committee. We drew heavily on research from round the country, but the Langholm study that we heard about was also fundamental to the work of that group. The Langholm results are built into the recommendations, which must be read as a package; it is not a matter of picking one off here and there. Taken as a package, the recommendations mean that we—conservationists, landowners and gamekeepers—must work together. What is encouraging for me, as I return to the forum, is that we are beginning to get there. There is a lot of work to

be done, but people are gathered round the same table. That is a step forward.

**Mr Rumbles:** I agree entirely with that sentiment; that is the way to proceed on the issue. However, I am trying to get at something slightly different. In your view, is there any difference between the number of raptors in England and the number in Scotland? That is the evidence that the SGA has just given us. The SGA criticised the report on the basis that it is a UK report and that it does not reflect typical Scottish problems.

**Professor Galbraith:** If you read the report, or even a summary of it, you would see that a majority of the recommendations and a majority of comments relate to and come from Scotland. On the factual point, a species such as golden eagle

Col 4379 or hen harrier is centred in Scotland. Hen harriers in particular are heavily persecuted in many areas south of the border. Many species of raptor are centred in Scotland; others, such as merlin, are spread throughout the UK.

**Mr Rumbles:** Will you remind me of the time frame for the production of the UK raptor working group report?

**Professor Galbraith:** The group met 25 times over five years. The report was launched in February 2000, so the group existed from 1995 to 2000.

**Mr Rumbles:** You said that the Langholm experiment had a great impact on your report. The committee was sent comments from an SGA e-mail with the subject line "Raptors and Langholm Moor", in which the SGA is critical of SNH and the RSPB. I am sure that you heard the SGA's evidence. I will not use the same language that the gamekeepers used, but the SGA seems to feel that there is a close relationship between the RSPB and SNH. The SGA suggests that there seems to be a perverse reinterpretation of the rules so far as the Langholm experiment is concerned. The phrase in the e-mail was that the "goalposts changed". Do you have any comments to make about that?

**Professor Galbraith:** There are two issues there. First, we are not infiltrated by RSPB or by any other organisation—

**Mr Rumbles:** I could ask whether you have been a member of the RSPB at any time—do not answer that. [*Laughter.*]

**Professor Galbraith:** Not in my adult years. I was a member as a child,

but I am not now, since you are not asking.

There is a serious point to consider. Scottish Natural Heritage has a statutory role; as an organisation, it clearly works on its own credibility. That is significant.

As far as Langholm was concerned, SNH was part of a consortium that comprised landowners, the Game Conservancy Trust and independent institutions. That consortium funded and managed the Langholm project.

I agree that Langholm has been much misinterpreted. Bear in mind that the study was set up to look at the relationship between gamekeepers and raptor numbers, not to cure any damage. For example, it is a misinterpretation to ask why the grouse have not recovered, because that was not attempted at Langholm.

Langholm showed that when there is a range of habitat and management issues because grouse stocks are low, birds of prey may maintain that low level. Looking at the data, harrier numbers did not cause the overall decline.

Col 4380 **Mr Rumbles:** The committee has difficulties when SNH says that there is no need for an independent inquiry because it has produced and published its own work. I am sure that you heard the SGA representatives say that they are not convinced. The SGA works every day in this field. Why is it unconvinced by SNH's case?

**Professor Galbraith:** Perceptions are extremely important. I agree that something has to be tackled, in the countryside and on grouse moors in particular. Having spent time as chair of the UK raptor working group, one begins to see the issues and to become very involved. Management in the countryside is necessary because it looks at ways of reducing the take of grouse by birds of prey. We are piloting that now. Techniques exist—for example, supplementary feeding—that we would like to see expanded in the countryside. Supplementary feeding was tested at Langholm for harriers only, but was not tested in any great detail on other moors across the country. We would like that to be done.

We could argue for ever about population levels. I would rather that we debated how we could better manage the countryside together. An independent inquiry could be done, but I am not sure that it would gather any information or research that we do not already have. I wonder whether

it would be valuable as an exercise in itself.

If one held an inquiry that lasted for five years, as Bert Burnett suggested, it is logical that one might not get much action in that time.

**Professor Des Thompson (Scottish National Heritage):** We must also bear in mind that there is a lot of consensus about the Langholm report. One page of "Scotland's Moorland: The Nature of Change", which was produced jointly by the Game Conservancy Trust, the Scottish Landowners Federation, SNH and the RSPB, contains a consensus report that shows what Langholm did and did not show. To suggest that there is disagreement on what Langholm showed is slightly off the mark.

As Colin Galbraith mentioned, the management of grouse moors goes back to Victorian times—indeed, it goes back further than that. Certainly, in Victorian times, there was a tradition of eliminating all predators, be they birds of prey or pest species. Sadly, that attitude prevails today in some quarters.

**Mr Rumbles:** Is that why the Scottish Gamekeepers Association has taken the stance that it has taken?

**Professor Thompson:** No, I do think that it is just that. There is a genuine perception amongst many gamekeepers in some areas that bird numbers are suffering because of raptor

Col 4381 predation, but the scientific evidence indicates that that is not the case.

**Stewart Stevenson:** I want to pursue the matter of scientific evidence. I understand that quite a lot of the evidence that you use is other people's research that you have brought together and collated. Is that a fair characterisation?

**Professor Galbraith:** We commissioned some of the research, but we try to use the best available evidence from whatever the published source.

**Stewart Stevenson:** How have you mentored the research that you have brought in? How have you verified it as relevant to the questions to which you seek answers?

**Professor Galbraith:** Throughout scientific literature, there is a clear process of peer review by which someone comments on another person's work. That process is usually done anonymously and the process moves

forward as the literature is published. A UK report on the subject of racing pigeons and raptors is one example of that. We are now working closely with the Scottish Homing Union and I hope, in time, that our joint research project will be peer reviewed and published. Credibility is important in the current situation. The countryside is dynamic: it takes a lot of time and resources to get information that is reliable and objectively collected.

**Professor Thompson:** Some of the world's foremost ecologists served on the UK raptor working group, including at least one fellow of the Royal Society.

**Stewart Stevenson:** I will move to the question of what some of the research may have told you. According to the evidence that you have before you, are any species of mammal or bird under threat as a result of raptor predation?

**Professor Galbraith:** No, as we heard earlier; certainly none is facing extinction.

**Stewart Stevenson:** May I ask you to think about the question of depletion, if not extinction?

**Professor Galbraith:** I cannot think of any examples that show depletion that has brought a species to a threatened level. Mr Stevenson could also put the question to Des Thompson.

If we take grouse populations as an example, we are talking about what we consider to be the shootable surplus of a species, which is the part of the population that will be shot each year. The grouse population is a common species and Des Thompson can probably give the figures for grouse numbers throughout Scotland. That is not to say that we do not recognise the problem that has to be dealt with. It is clear that there is a problem in managing the countryside.

Col 4382 **Professor Thompson:** That is right. Even the Langholm report shows the clear long-term decline in grouse numbers regardless of the variation in numbers of predators. In some years, there were very few predators and yet grouse numbers continued to decline.

The Langholm report's assessment of habitat change showed a 48 per cent loss of heather coverage. When one probes and looks into the underlying factors, one often finds that it is loss of habitat or abandonment of active management that gives rise to those changes.

**Stewart Stevenson:** So, you are expressing the view that active management is an important part of achieving ecological balance in the countryside. After all, the countryside reflects human activity rather than being natural in any real sense of the word.

**Professor Galbraith:** Yes. That is a fair point. The line that I would want to take is that that can be done by a combination of habitat management, good gamekeeping and supplementary feeding. In the case of hen harriers, that has to be carefully done and a wider trial needs to be undertaken. As I said earlier, the realistic way forward is to manage moorland areas within the law. Issues such as pest control, including the control of crows and foxes, have to be considered under the legislation.

**Stewart Stevenson:** It appears to me, as a layman, that supplementary feeding is a recognition that the raptor species, which is being given the supplementary food, is preying on a species on which we want to reduce predation. On the other hand, supplementary feeding could also suggest that raptors are present in greater numbers than the ecology suggests they ought to be. If so, would not the proper course of action be to consider strategies that would achieve a better balance? Surely we should not depend on having to continue to feed an excessive number of raptors that the ecology cannot reasonably be expected to support?

**Professor Galbraith:** Birds are generally drawn into areas where there is a good food supply. That is self-evident. In this case, the grouse are of interest and value, and the harriers are eating large numbers of them. No one disputes that. SNH has been accused in the past of not listening, not trying, not experimenting and not taking a risk. We have done all of that with supplementary feeding. We have tried techniques that are novel and different. When that is done carefully, you can get a 12-fold reduction in the take of grouse through the peak period of May, June and early July, which is exactly the time when the grouse chicks come out.

If we can get to a win-win situation, where there is no real conservation doubt and where

Col 4383 gamekeepers and landowners are content that their grouse stocks are being less predated, on a basic level, that is worth a proper trial across the country. To do that, we need co-operation from landowners and keepers, and that is coming, but trying to get to that win-win situation is much better than getting into a legalistic tangle on what can and cannot be killed. That is, quite simply, premature.

15:00

**Stewart Stevenson:** Of course, the gamekeepers are not simply asking for killing. One of the other options is relocation. Would you be prepared to consider, in parallel with displacement feeding, a relocation experiment in some parts of Scotland, which would enable a comparison to be made as to the relative benefits of the two strategies? I am sure that there will be other strategies of which I am unaware.

**Professor Galbraith:** I will give two brief answers, the first of which is legalistic. We know that with harriers we have to go down a cascade of non-interventionist techniques and then techniques that are more and more interventionist. We are still at stage 1, which is having that wider trial of supplementary feeding, before we go down that cascade.

The scientific answer is that of course we could do such a trial. That would be interesting. We have to look at the management that would arise from that. We would be signing up to moving animals around. Bear in mind what I said earlier, which is that they will tend to go where the food is best anyway. We would then be into a long-term, extremely costly movement of harriers around the country. That begs the questions where we would release them and why there are no harriers there in the first place. There are many complexities.

**Stewart Stevenson:** So you are opposed to the reintroduction of raptor species that has been taking place.

**Professor Galbraith:** No, I did not say that.

**Stewart Stevenson:** But is the argument not the same?

**Professor Galbraith:** No, it is not. Essentially, what you are talking about

is moving birds out of a problem area, but the birds would keep coming back into that problem area. There will be no security of food supply in the area where they are to be released. With red kite, for example, which have been released back into Scotland, extensive work has been done to ensure that the food supply exists. There has been no other way to do it—that is the other overriding factor. There are many guidelines, which I will not go into today, but there are ways to do it. The red kite programme satisfies

Col 4384 all that and would never happen naturally. Doing a translocation in relation to grouse is different and, I suspect, is not needed yet.

**Mr McGrigor:** Is SNH's policy against managed grouse shooting in Scotland?

**Professor Galbraith:** No, absolutely not. As I said earlier, we see grouse moors, when they are managed within the law—that is an important caveat—as a valuable place for biodiversity and wildlife, and they are valuable to the economy of the country.

**Mr McGrigor:** Is that also the view of the RSPB?

**Professor Galbraith:** The RSPB has to stand up and give its own view. I simply do not know.

**Mr McGrigor:** What do you think, Professor Thompson?

**Professor Thompson:** I do not know.

**Mr McGrigor:** If a subsidised farmer is able to cull foxes to protect his lambs, why should shoot managers not be able to cull raptors in the same way to protect their stock?

**Professor Galbraith:** It sounds bizarre to say it, but you have to examine cause and effect at one level, and that is still an open question in many people's minds. I hate to say it, but there is also a legalistic argument, as although many birds of prey populations are increasing, they are still relatively small and fragmented across the country, and they are highly threatened. I accept that we are in a catch-22 situation, where persecution is still widespread, as far as we can see, so we are dealing with rare, fragmented and threatened populations, as opposed to foxes, which are very common and by which there is direct evidence of damage. I do not know whether Professor Thompson wishes to give you information on the

numbers of birds of prey populations, to give you a flavour.

**Professor Thompson:** On the overall numbers of birds of prey, we have heard figures of half a million or 200,000 pairs. Actually, there are 35,000 pairs of birds of prey in Scotland. That figure is based on the most up-to-date available information.

**Mr McGrigor:** The official 1991 figures state that there are nearly 1,300 breeding pairs of peregrines in the UK and 2,000 immature peregrines. As a pair of peregrines produce one to four young a year, it is possible that 2,600 young peregrines will be fledged each year. The same figures state that there are 34,000 pairs of sparrowhawks in the UK, which should result in another 68,000 young fledged sparrowhawks a year. We are told that there has been no increase in the numbers, so what is happening to all the

Col 4385 extra birds? Are they being handed in? Where are they going?

**Professor Galbraith:** In short, they are dying. That does not imply anything, however, as death is a natural thing. At the end of each breeding season, more birds of every species will be around but winter is a harsh time for many species and, quite simply, many birds die.

Last year, a peregrine survey that was done across Scotland showed that numbers have levelled off and that they might be declining in some parts of the country. There is a survey of golden eagles planned for the coming season and we should wait to see what it tells us.

There has been an increase in numbers since the 1960s and early 1970s, but some of the more recent evidence is that populations are levelling off and there are local declines.

**Mr McGrigor:** The Scottish Gamekeepers Association told us that, during the Langholm experiment, the number of pairs of harriers went from two pairs to 17 or 18 pairs a year. However, after the experiment had been in place and the grouse numbers had gone down, the numbers of harriers went back to either two pairs or no pairs, I cannot remember which. Does that not mean that the food source is key?

**Professor Thompson:** It means a number of things. The first thing to bear in mind is that the number of hen harriers is determined by the amount of prey, in particular meadow pipits and voles, rather than grouse. Langholm is a grassy grouse moor that has lost most of its heather cover. It is therefore ideal habitat for hen harriers feeding on small birds. One of the

important things that happened in Langholm was that the gamekeeping team was disbanded. As a result of that, there was very little pest control. Consequently, crows and foxes are preying on the hen harriers that are attempting to nest in the area.

**Mr McGrigor:** You keep going on about the loss of heather being an important factor at Langholm. However, between 1974 and the experiment, grouse bags were averaging about 1,000 brace, but have gone down to nothing. A report that was carried out by SNH in 1997 found that the heather on the Langholm grouse moors was in an improving or stable state and that, in the past 10 years, the rate of improvement had increased.

Professor Thompson, are these your words? I quote:

"The best way forward for Langholm is maximum impact management which would include buffer feeding, better management of heather and bracken. Maximum vermin control and a 'trap and transfer programme.'"

**Professor Thompson:** If they are attributed to me, I would say that they are. Maximum impact

Col 4386 management—

**Mr McGrigor:** And maximum vermin control?

**Professor Thompson:** Using all lethal methods available—

**Mr McGrigor:** And maximum vermin control?

**Professor Thompson:** Yes.

**Richard Lochhead:** The gamekeepers made it clear that their concerns about predators related to biodiversity, not just the implications for game birds. That brings us to the question of culling the raptors, which is raised in one of the petitions.

In your submission, you say that

"The proposed culling of raptors is surely not part of the image we wish to convey to visitors or to the wider world."

Could you elaborate on that view? What happens in other countries that

experience problems that are similar to those that we are hearing about today from the gamekeepers? Are raptors culled in other countries?

**Professor Galbraith:** A range of countries throughout Europe have very good laws but a lot of illegal persecution. Malta comes to mind. Each year in Malta, a large number of raptors are shot on migration. If we went down a culling route, it would probably be biologically meaningless, as there would be some failing behind it, and it would be difficult to manage and police. Above all, it would be a public relations disaster for the countryside in general and for landowners and gamekeepers in particular. It would enrage public opinion beyond anything that I can think of in wildlife conservation.

As the chair of the UK group and in my current role, I have worked pretty hard in arguing that we should not go down that route. I believe that there is an awful lot more common ground here than is evident today. The issue is about managing the countryside in a reasonable way, and I am optimistic that we can achieve that without a culling programme.

**Professor Thompson:** The vast majority of people in Scotland enjoy seeing birds of prey. The marvels of our countryside appeal to a lot of people. Open-air enjoyment of the countryside supports around 30,000 jobs and generates around £700 million per annum. The prospect of Scotland's losing that is a matter of concern.

**The Convener:** I do not think that the gamekeepers are talking about eradicating raptors; they are talking about a licensed culling of them. The raptors would not disappear.

**Professor Galbraith:** We are quite a few steps away from getting there. There seems to be a fairly clear way forward that involves working together on habitat management and trialling

Col 4387 supplementary feeding more widely. However, we just do not seem to be able to get that going. We are not getting the co-operation that we need to trial such measures more widely, although I remain optimistic that we will get that co-operation.

**Richard Lochhead:** What is the blockage to that co-operation?

**Professor Galbraith:** That is very much a matter of personal opinion. I understand the gamekeepers' and landowners' position completely. They have to produce a driven grouse population to be shot each year. However, management of the countryside has changed dramatically over the past five or 10 years and I am not sure that grouse shooting, in its entirety, has changed in the same way. The issue is about looking for different ways of doing things. However, it is hard for people to change what their families have done for 100 years.

**Rhoda Grant:** I have put this question to the gamekeepers. I do not think that both parties will ever agree on what requires to be done. Is there any point at which you would say that raptor numbers were no longer sustainable and that, because of their feeding habits, there were too many of them? Because the management of grouse moors is providing a greater food source than would occur naturally, it is pulling raptors into those areas. Surely, because of that, there must be a time when a balance has to be drawn.

**Professor Galbraith:** We propose that the birds be fed intensively after they have laid their eggs in the season, so that the number of potential young is not increased. We undertook a two-year trial of that at Langholm, and there was no evidence of an increased survival rate, but we need a longer trial to test that.

On your second point, concerning whether the populations of birds of prey will continue to increase, it should be remembered that feeding on grouse moors is only part of the birds' annual cycle. There are other factors during the rest of the year—over the winter, particularly—that may lead to the mortality rate that we spoke about earlier. Natural processes, such as starvation, may lead to that. Let us take the example of peregrine falcons. Last year, the evidence showed that the population is stable and may be declining locally. It does not look as if the populations of birds of prey are increasing continually. The situation is similar for golden eagles. We know that there are around 440 pairs of golden eagles in Scotland. There has been no great increase in the past 10 or 15 years.

**Professor Thompson:** Not in the past 20 years.

**Professor Galbraith:** Nevertheless, there has been an increase in the populations of some species since 1960, which we tend to take as a base point because that was when birds of prey

Col 4388 were very threatened, mainly from chemical poisoning.

**Rhoda Grant:** If you are saying that there would be no point at which the populations would no longer be sustainable because there were too many birds of prey, surely you are encouraging the people who are taking the law into their own hands and poisoning birds. Such action has a bad knock-on effect, as it is taking a blanket approach rather than targeting one species. When people start poisoning, that is dangerous because they can miss the target species and attack an awful lot of other species.

**Professor Galbraith:** The way to address the matter is not to consider reducing the number of birds of prey, but to consider any impact that they might have on the grouse stock. If we think of the matter in that way, we could have the same number of birds of prey on a grouse moor from April to July but with less of an impact. That could be done in two particular ways. The first is habitat management, on which there is more work to do, and the second is supplementary feeding.

There is still potential for a win-win situation, in which we have actively managed grouse moors with good employment for keepers and the conservation lobby is content that we are managing in a way that does not kill harriers. If we can get that and get wider trials of those techniques, there could be a benefit to the country through having good management in the uplands that could be a model for other countries.

15:15

**Professor Thompson:** The challenge on the Langholm moor would be to re-establish heather, create more heather for the grouse and try to reduce any impact from harriers on the grouse by feeding the harriers during the critical periods that have been mentioned.

**Rhoda Grant:** However, even if numbers increased dramatically, you would still not consider a cull.

**Professor Galbraith:** We would not look towards a cull, because it is

unlikely that we would be faced with that situation. Look at the hen harrier numbers, for example. They have not increased dramatically over the past five or so years, as far as we can tell. A cull would be biologically difficult, extremely difficult to implement and a public relations disaster for all concerned.

**Professor Thompson:** It is important to remember that limiting factors limit the raptor population. Food supply or the availability of nest sites limit their numbers. The evidence indicates that there has been no change for golden eagles, peregrines, merlins and some other raptors. By

Col 4389 and large, the populations are fairly stable from year to year.

**The Convener:** You understandably mentioned the PR effect of a cull. Is there not an argument that licensed culling would be better PR than indiscriminate poisoning? I am not saying that it is either one or the other, but we were told in previous evidence that a licensed cull might lower the number of indiscriminate poisonings.

**Professor Galbraith:** We have to turn the question round. Who would police it? What level of culling is appropriate? How would we set the standards? How would that be viewed in Europe—although we might not like the question—in terms of the law under which we work? There are huge impracticalities. We are considering different, more novel solutions. There are ways to skin the cat without killing it.

**Professor Thompson:** Novel management would be good for PR. That would involve grouse moors with hen harriers, a reduced impact on grouse and many more songbirds and waders—now we are talking about good PR. That is the sort of grouse moor that I would have thought people would want to visit and enjoy.

**The Convener:** The fact that there are roughly 200 commercial grouse moors in Scotland was mentioned earlier. You mentioned that you were totally in favour of them when they are legally managed. Would you care to put a figure on how many are not legally managed?

**Professor Galbraith:** No. I simply do not know. We have circumstantial evidence and we talk to a lot of people, but we do not know.

**The Convener:** The number is not quantifiable.

**Professor Galbraith:** I suspect that, where persecution occurs—we know

that it does because of the occasional prosecution—it is a rapid activity. It is not an easy thing to catch. I would like to move away from a situation in which that sort of activity is policed and try to work more collaboratively and positively.

**Nora Radcliffe:** I am interested in whether we are making decisions on reliable data. Do we have robust data? We presumably know quite a bit about the numbers of grouse and we seem to know quite a bit about the numbers of raptors, but do we know about the other bird species that perhaps flourished when raptor numbers were low? Is there an effect on them as raptor numbers increase?

**Professor Thompson:** The British Trust for Ornithology, which is one of the leading European ornithological research institutes, has about 200 monitoring plots in Scotland. They are called breeding bird survey plots and they monitor the year-to-year changes in numbers of common

Col 4390 birds, such as meadow pipits, skylarks and some of the wading species. The RSPB, the Game Conservancy Trust, SNH and other organisations and individuals have carried out a lot of other survey work. We have been able to pull a lot of that information together. The Scottish countryside is remarkably well surveyed by researchers.

**Nora Radcliffe:** So your answer is that there are reasonable, robust data.

**Professor Thompson:** Yes—the data are very good.

**Mr Alasdair Morrison (Western Isles) (Lab):** This is more an observation than a question. It goes back to the topic of public relations, which is a very important consideration, although not the primary one. Presumably, all decisions are based on the best evidence available that can sustain robust scrutiny. Hedgehog predation is an issue in my constituency. If we were to factor in the importance and impact of public relations on that, then the Uist wading bird population would not be protected. I think—in fact, I know, having sat through many briefing session on the subject—that the decision to remove the hedgehog was based on robust scientific evidence. For my own benefit in particular, I would like to hear some clarification on the importance that you attach to public relations.

**Professor Galbraith:** When I spoke earlier, I was talking about how things done by landowners and gamekeepers might be perceived and was referring to what would be a PR disaster for them. My work and Des

Thompson's work with SNH are scientifically driven. We try, in as much as anyone can, to base our judgments solely on objectively collected data and information. In the case of the hedgehogs, and in numerous others, we have taken a particular line that has not been well received from a PR point of view. That is, from my point of view, irrelevant. It is about being objective and basing decisions on sound science when possible.

**The Convener:** Two members wish to make brief supplementary points on that—but I mean brief, please.

**Mr McGrigor:** Does SNH work with Forest Enterprise or the Forestry Commission? Areas of young plantation appear to be very good nesting sites for hen harriers but, unfortunately, as the trees grow up and begin to canopy, there is no feeding there, and those birds are diverted to other areas. Are you working with the Forestry Commission to solve that problem of what happens to birds that have to divert to other areas? That can sometimes involve areas of thousands of acres.

**Professor Galbraith:** We are working generally with Forest Enterprise on land management and

Col 4391 the issue of boundaries between forestry and moorland.

**Professor Thompson:** We have worked extremely closely with the Forestry Commission on species such as the capercaillie—we have worked both with the authority and with Forest Enterprise. We have to bear in mind the fact that some forestry plantations are second-rotation forests. Some plantations are clear felled, with heathers coming through. Hen harriers, merlins and other species will come and nest in those areas. There is a balance there between hen harriers and—

**Mr McGrigor:** My question was about the balance of the feeding. What do you do when the trees grow up? Where are those birds going to be fed when they move on?

**Professor Thompson:** We have good data for hen harriers nesting in plantations. The birds are feeding 7km or 8km away from where they are nesting.

**Mr McGrigor:** On the moorland?

**Professor Thompson:** Yes—on the adjoining moorland.

**Mr Rumbles:** You said that there were 35,000 birds of prey. How many birds do they kill each year?

**Professor Thompson:** How many would they kill a year? Oh, heavens! Each bird might kill a bird every two days, although I could not give you a figure off the top of my head.

**Mr Rumbles:** You were very quick to tell us how many birds of prey there are in Scotland—you told us just like that. Well then, how many do they kill?

**Professor Thompson:** I would be happy to do the calculations and come back to you on that.

**Mr Rumbles:** You were speaking about robust statistics and information, and it has become clear to me that there is no robust information—er rather that the information is in conflict. I go back to the question that I started with. I cannot understand how this relates to the evidence from the Scottish Gamekeepers Association. That was heartfelt evidence; I admit that a lot of it is anecdotal, but it strikes a chord with the anecdotal evidence that I have received from people near where I live, on Deeside. I am after solid, statistical evidence.

There appears to be some sort of antagonism between the two sets of witnesses, which I cannot understand. I noticed that when Jamie McGrigor asked you whether SNH supported managed grouse moors, your reply was that you did

"when they are managed within the law".

I wrote that down. That is not a very positive response. Why do members of the Scottish

Col 4392 **Gamekeepers Association** feel excluded from this whole process? They certainly seem to be. Is that not part of the problem?

**Professor Galbraith:** We have taken the Gamekeepers Association into the moorland forum, particularly over the past year. That is an important forum for debate and discussion of the way forward. I hope that the association does not feel excluded. Personally, I work as closely with it as I do with many other organisations. It is not about exclusion; it is about coming into the forum and accepting that there will, inevitably, be pretty robust debate from time to time. From SNH's point of view, there is no antagonism at all. There may be differences on issues and on whether we accept certain information or data, but there is no antagonism.

**Mr Rumbles:** Yet you know how many birds of prey there are but not how many birds they kill.

**Professor Thompson:** It would be misleading for me to give you a figure off the top of my head. A buzzard feeds on rabbits or skylarks—there are differences.

**Mr Rumbles:** It is an interesting point.

**The Convener:** We will come to a close on that note, gentlemen. We have gone well over time, but it was important that we got all our questions answered. Thank you very much for giving us your time and for answering those questions. I ask you to step down from the table now, but I am happy for you to stay with us for the rest of the meeting if you would like.

15:25

*Meeting suspended.*

15:32

*On resuming—*

**The Convener:** For our final evidence session today, I welcome Allan Wilson, the Deputy Minister for Environment and Rural Development, and his officials Dr Bainbridge and Mr Milarky. I invite the minister to introduce his officials—but he need not, as I have just done it—and to make a brief opening statement, after which members will ask questions.

**The Deputy Minister for Environment and Rural Development (Allan Wilson):** For the record, Dr Bainbridge is the head of the Executive's ecological advisers unit and Martin Milarky is the head of the species team in the Executive and chairs the Scottish group of the partnership for action against wildlife crime. I am sure that my officials are able and willing to contribute to the committee's considerations.

Col 4393 I know that the Scottish Gamekeepers Association and Scottish Natural Heritage gave evidence to the committee earlier. I do not doubt that the committee heard a range of views from them. My key message today, which I hope previous contributors have mentioned, is that the Executive has made significant progress in establishing good and—hope—positive relationships with the SGA, not least since the petitions were lodged. In turn, the SGA has made good progress in forming partnerships with other bodies that have responsibility for land management in Scotland. I would be disappointed if the SGA had not conveyed earlier to the committee that it now felt that it was included in the wider process on issues that concern it and its members. We certainly want it to be included in that process.

Executive and SNH officials regularly meet with the SGA to discuss issues of mutual concern. We recognise that the SGA holds a wealth of knowledge and information that can and should influence Government thinking on Scotland's land management and on moorland matters in particular, which concern us today. The SGA is now firmly a part of the process and we will benefit from its practical, on-the-ground experience. Even in the closest of partnerships, such as the partnership between us and the Liberal Democrats—[*Laughter.*]

**The Convener:** We might achieve more if we stay on the subject, minister.

**Allan Wilson:** It is inevitable that disagreements will occasionally occur. Currently, the Executive and the SGA do not see eye to eye on the killing of wild birds to protect other species, but at least we are talking to each other and each of us is gaining a better understanding of the other's position. That is nowhere near how the situation was as short a time as three years ago.

In my time as Deputy Minister for Environment and Rural Development, one of my key roles has been to safeguard Scotland's natural heritage—Martin Milarky in particular and I put a significant effort into that important part of my job. We attach great importance to protecting all that makes Scotland's wildlife so unique and treasured by people who live in

and visit Scotland—indeed, people often visit Scotland because of its wildlife.

Many of our species—particularly our birds—feature among Europe's rarest. As a result of the low numbers of many of those species, they properly enjoy the maximum United Kingdom and European legislative protection. That signifies the importance that others attach to our wildlife. We have a duty and role to ensure that we do not damage or destroy internationally important populations.

Col 4394 The SGA is looking to embark on a cull of bird species that predate on others. I do not doubt that that issue will feature prominently in my discussions with the committee today. However, I stress to the committee the scientific and legal basis that underpins the level of protection for some of Scotland's rarest birds.

I believe that the links that we have forged with the SGA in the past three years have proven to it that we are not

"blinkered and suffering from predator tunnel vision",

a charge that it levelled at us when the raptor working group report was published some three years ago. Since then—and certainly during my tenure—I hope that we have shown that, although we do not necessarily share the SGA's objectives, we share its concerns for Scotland's uplands and lowlands and for the wildlife that they support. I look forward to answering any questions that colleagues may have.

**The Convener:** Thank you, minister. I point out that, in answering questions earlier, the SGA accepted that, of the two petitions in front of us, the one that is highest on its agenda is PE449, which calls for an independent investigation into the impact of predatory birds on waders, songbirds and others. The SGA would be happy to wait for the outcome of such an investigation and for that outcome to determine whether a licensed cull should be introduced. It is important to point out that the SGA asks for a licensed cull rather than for culling rights.

**Mr McGrigor:** The minister said that he wishes to protect all Scotland's wildlife and I could not agree with him more. We have heard talk from SNH on how best to achieve that end. Do figures exist that compare the balance of bird species in areas that are managed by SNH—Rum and Creag Meagaidh, for example—with the balance in moorland areas in which there

is managed grouse shooting?

**Dr Ian Bainbridge (Scottish Executive Environment and Rural Affairs Department):** I am not aware of detailed figures that would enable one to make such a comparison.

**Mr McGrigor:** Would it not be a good idea to have such figures to allow us to see the real picture?

**Allan Wilson:** It is always a good idea to add to our research base, which is why the moorland forum that SNH brought together last year is important. With the SGA and more than 20 other interested organisations, the forum will consider new trials, which will cover habitat management, food supply and other moorland management issues. The fundamental point is that we cannot consider one issue without considering the others.

Col 4395 In the three-year intervening period, we have made progress on considering all the issues. Raptor impact is only one of many impacts on other protected species.

**Mr McGrigor:** I was slightly unnerved when SNH said in answer to one of my questions that its policy is not against managed grouse shoots, as long as they are legally managed. Does that imply that grouse shoots in Scotland are not legally managed?

**Allan Wilson:** You have the advantage over me in that you heard SNH's evidence but I did not. I do not imply that grouse moorland management is carried out illegally, although there have been instances of illegal practice—however, that is a different point. We rely on evidence from SNH as our official advisers in the matter and we take into account seriously the evidence that it gives us.

**Mr McGrigor:** I will ask you the same question that I asked SNH. If a farmer can cull foxes to protect lambs, why should shoot managers not cull raptors to protect their stock?

**Allan Wilson:** As raptors are a protected species, you are not comparing like with like. I bear no ill-will towards sport shooting and I recognise that it is an entirely legitimate activity. Some of the people who call for licences to cull raptors say that the people of Scotland must choose between having birds of prey and game shooting. However, we cannot consider the matter in such black-and-white or simplistic terms, nor is the comparison with foxes helpful. The existence of raptors and shooting are not incompatible;

both can be accommodated through sound moorland management practices.

**Mr McGrigor:** I agree with the last bit of that.

**Richard Lochhead:** We have two petitions before us—one is about culling and the other is about an independent investigation. I cannot see any reason to introduce culling until we have had the independent investigation. We cannot have both at once.

The key word in petition PE449 is "independent". The reason why the gamekeepers want an independent investigation appears to be because they do not trust the data on which the official bodies base their claims. What can be done to reassure the gamekeepers of the credibility of existing data? A key theme today has been that the gamekeepers say that the population of raptors has increased, whereas SNH and the RSPB say that the number has declined in recent years and has increased only slightly during the past few years. How can we involve the gamekeepers more and reassure them that the data are reliable?

Col 4396 15:45

**Allan Wilson:** That is a fair point. We want to work in partnership with all organisations to assure them and the wider public that the advice on which the Executive bases its decisions is scientific and not distorted or skewed for political reasons. Dr Bainbridge might want to comment on the independence of the scientific research on which policies are based.

**Dr Bainbridge:** One of the most controversial studies that has been debated loud and long during the past few years is the joint raptor study. Everyone knows it colloquially as the Langholm study. From its inception, the study was meant to be inclusive. The partners in the project included local landowners, the Game Conservancy Trust, the Centre for Ecology and Hydrology—the former Institute of Terrestrial Ecology—the RSPB and SNH. The study was conducted with all interests working together towards its conclusions. The participants and supporters of the Langholm study include a wide range of interests, which agreed the fine wording of the joint raptor study report.

Since then, the study has been the subject of discussion by different parties, but it and the science behind it were multiparty and multi-interest. The intention was to publish papers from that study in peer-reviewed

scientific journals. For such journals, researchers' papers are submitted to editors, who submit them to independent, top-level scientists to adjudicate whether they are worth publishing. The process leading up to a scientific peer-reviewed paper is a good way of ensuring that the science is well founded, well researched and independently checked before being published and accepted.

The raptor working group, which I am sure has been discussed in detail by other witnesses, comprised representatives from the pigeon-racing fraternity, the Game Conservancy Trust, the British Association for Shooting and Conservation and the Scottish Landowners Federation, as well as from the RSPB and SNH. Every word from the raptor working group report was agreed line by line by all parties—as one of the members, I can assure the committee of that. The report is very much an all-party product.

**Mr Martin Milarky (Scottish Executive Environment and Rural Affairs Department):** I draw attention to the creation of the moorland forum, which SNH established last year, and the fundamental role that the SGA will play in it. I expect the SGA to be party to any evidence or further research that the forum produces. That should allow the gamekeepers to be a part of the research, rather than challenging it from the outside, which is what they have done previously. We want the SGA to be part of the research so that the figures have its support.

Col 4397 **The Convener:** To be fair, I do not think that the gamekeepers dispute that. However, they would argue that they are also concerned about lower-ground areas, which would not really be affected by any of the moorland forum's considerations. That said, I do not dispute your comments.

**Mr Milarky:** The moorland forum is a way forward. It is a start, not a conclusion. However, it represents a positive way of involving the SGA in the process.

**Mr Rumbles:** Minister, you said that you and your officials have a close working relationship with the SGA. For the record, will you tell us when either you or Ross Finnie last met the organisation?

**Allan Wilson:** I met that lady in the canteen at lunch time.

**Mr Rumbles:** I mean, officially.

**Allan Wilson:** If I remember, I was officially scheduled to spend a day with the SGA last year. However, something happened that prevented me from doing so. As a consequence, the meeting took place at Braemar with my colleague Mike Watson.

**Mr Rumbles:** I asked that question because I know that the SGA has been trying to meet you or Ross Finnie for some time now. As a result, I was surprised by your opening remarks.

The point about the moorland forum is important, because we should be clear that much of the dispute centres on statistics and information. SNH said today that it is happy with the information and that there is no need for further independent investigation into the facts. However, the SGA's petition disputes that claim and says that there is such a need.

We have heard a lot of anecdotal evidence. However, I would add that, when I moved to Deeside, where the land is at a lower level than moorland, there were very few predators such as buzzards. Now I see many buzzards around. The committee has to decide whether to ask the Scottish Executive to commission an independent report—as Richard Lochhead pointed out, that word "independent" is important—or to take the matter on itself and ask the Conveners Group and Parliament whether it can commission research independently of the Scottish Executive.

Having heard SNH's evidence and responses to the SGA, I feel that its view is rather complacent. I am sorry that you did not hear that evidence, minister—I know that the organisation advises you on the issue. I tried to find out why the SGA so mistrusts the information that is given to us. For example, it seemed that SNH was able to tell us just like that that there were 35,000 birds of prey, but it could not tell us how many other birds those

Col 4398 birds of prey destroy. Surely that must be a part of the same equation. Such an attitude leads to a distrust of the statistics. In other words, SNH is happy with its statistics, because they tell it what it wants to know, whereas the SGA feels that the statistics do not tell it what it wants to know. As a result, the SGA is seeking independent means of assessing the information. Would the Scottish Executive commission research—not from SNH, but independent research from a university, perhaps—that would uncover information or collate existing data?

**Dr Bainbridge:** For several years, everyone involved in this area of wildlife has been aware of the need for good-quality information and the buy-in—if I can put it that way—of all parties. In 1998, when the last national hen harrier survey was carried out, there was a deliberate formation of a steering group to manage the project under the auspices of the raptor working group. Although the project was carried out principally by RSPB Scotland and raptor study groups in Scotland, the steering group included members of the Game Conservancy Trust and the British Association for Shooting and Conservation. The group had access to the entire process and was consulted about the interpretation of results. The whole process was worked through in that way. The Scottish Executive was not a direct party to that piece of research.

**Mr Rumbles:** The SGA was formed by Scottish gamekeepers because they were not happy with the BASC's involvement. The SGA produced the petition that we are considering.

**Dr Bainbridge:** What you say about the formation of the SGA might be the case. I am not sure when the SGA was formed, but I think that it was in the late 1990s—1997 or something like that. The raptor working group was instituted in 1995, so it pre-dated the formation of the SGA. At its first meeting, the group was called the raptor forum and it brought in a much wider set of representative organisations, including what might have been the National Gamekeepers Association—"National" as in the United Kingdom. It was decided at the time was that the BASC and the GCT would be the best organisations to represent game-shooting interests on the raptor working group. If we go back through the process, we can see that, from the working group's inception, every attempt was made to be inclusive and to have the best possible representation. It is not for me to comment—could not do so—on the relationship between the SGA and the BASC or the GCT.

**Mr Rumbles:** My question was addressed particularly to the minister.

Because of the dispute that has arisen, will he agree to commission independent research so that we can get the facts that are behind the issue?

Col 4399 **Allan Wilson:** As I said to Jamie McGrigor, we are always interested in increasing our knowledge base—I stand by that statement. It is not for me to determine how the committee should respond to a petition, but we must consider in the round the issue that the petition raises. Gamekeepers are concerned about the demise of game birds on which, they argue, their livelihood depends. However, many other factors have had a much more serious impact on game bird numbers than raptors have. That is the scientific advice that we have taken. The reduction in heather cover is the most obvious factor and has had the greatest impact. Land management techniques on heather moorland are another factor.

We will consider the scientific evidence on which our advice is based. I take Richard Lochhead's point that we do not want to be seen to be too close to any party. We must be assured of the independence of the advice that we get. However, I believe that Mr Rumbles and the committee should also look at the issue in the round and not be drawn just on the specific aspect of moorland management to the exclusion of all the other factors that impact on game birds.

**Mr Rumbles:** I am still not sure what your response is, minister. Would you be willing to commission new and independent research if the committee asked you to do so?

**Allan Wilson:** I am always willing to consider anything that the committee asks me to do.

**Rhoda Grant:** I want to highlight again one of the SGA's concerns. The SGA was happy with the moorland forum and felt that it was beginning to work well, if not as quickly as the SGA had hoped. The forum made progress, but it did not cover all the areas about which the SGA was concerned. It would be good to have a similar forum that covered lowland areas, for example. The SGA could input its views to such a forum.

From the evidence that we have heard today, we seem almost to have reached an impasse. SNH tells us that there has been no huge increase in the raptor population, which it says is static, whereas the SGA tells us that, from its knowledge of the areas that it covers, there seems to be an increase in the raptor population and an increase in predation not only of

grouse, but of other birds in those areas. The two bodies do not agree. Do you see a way of making progress on that? Raptors might be moving to areas where food is easily available and a managed grouse moor tends to have more birds than an unmanaged area. The raptors might be concentrating in different areas, if their numbers are not increasing. Could the dispersal of raptors be examined?

Col 4400 16:00

**Allan Wilson:** Dr Bainbridge is the expert on the behaviour patterns of different species and he will talk about the specifics. As a general rule, most of us as lay people understand that birds of prey must have sufficient feedstock to prosper. If the raptor population had increased, that would tend to work against the argument that is being made.

**Dr Bainbridge:** The joint raptors study found that the distribution of hen harriers was not directly linked to the number of grouse on moorland. The distribution of hen harriers was linked to the number of voles on the moorland and the number of voles increases on the moorland as the amount of heather on it declines—voles prefer grassier habitats. The loss of heather over 40 years—Langholm lost almost 50 per cent—was probably sufficient to increase the vole population, which encouraged more harriers. That is one of the bases for improved moorland management for heather restoration in such areas, which is one proposal that SNH is working on with its moorland management schemes.

**Rhoda Grant:** Has no study been conducted into whether birds move from one area to another because of food supplies?

**Dr Bainbridge:** The movement of harriers from one area to another depends on food supplies, but the food supply that matters most to them is voles. Voles in Scotland follow a three or four-year cycle. Every four years, the density of voles is high. At those times, high numbers of harriers or short-eared owls are likely to follow the voles. The vole cycle is the key determinant to the settlement of hen harriers on moorland. When the number of voles crashes every four years after it has peaked, the harrier numbers are likely to decline in that area and perhaps to increase in another part of Scotland where the vole cycle is at its height.

**Rhoda Grant:** So the existence of managed grouse moorland in an area does not affect the number of raptors there.

**Dr Bainbridge:** That depends on how the moorland is managed. If the moorland is managed to maximise the heather and to stop its attrition and conversion to hill grass, there are likely to be lower numbers of hen harriers and higher numbers of grouse, which are the birds that like heather.

**Allan Wilson:** As I said to Mike Rumbles, we must consider all the factors that influence the number of raptors and the number of game birds. By far the most important factor in the latter case is heather cover, not the number of raptors.

**Stewart Stevenson:** Does the minister care to agree with me—

**Mr Rumbles:** No.

Col 4401 **The Convener:** I am sure that the minister can make up his own mind.

**Stewart Stevenson:** The minister might be helped by Mr Rumbles's clear disagreement. Does he agree that experience-based data are just as valuable as measurement-based data are?

**Allan Wilson:** I said that in my preamble. One of the great advantages of having the SGA as an active partner in the process is that the association brings to the table its practical experience, without which the information base would be less than satisfactory.

**Stewart Stevenson:** Thank you, minister. I was sure that you would agree. An engineering saying is that if you have to measure a change, you have not made one.

The interesting thing is that almost everybody before the committee seems to have experienced a significant increase in the number of raptors that are around. However, it seems that the RSPB may have been taken over by the raptor lobby and may not be considering other species. One example that has been brought to my attention is the stated predation of goshawks on caper. Both species are under threat. Would it be proper under any circumstances to consider taking action to limit, reduce or transfer raptor populations for the benefit of other species of birds or, indeed, mammals that are under threat?

**Allan Wilson:** Obviously, I am not here to answer for the RSPB or to say whether that organisation has been influenced, unduly or otherwise, by

raptor interests. Dr Bainbridge may want to respond on the specifics of policy development, but we are not a wholly owned subsidiary of the RSPB, which is perhaps the inference in the question. On the contrary, periodically we take decisions that mean that we find ourselves at odds with the RSPB. The committee has already taken evidence from representatives of SNH, who are our natural heritage advisers.

**Dr Bainbridge:** Perhaps Martin Milarky can take us back to the legislation.

**Mr Milarky:** The legislation does not state—

**Stewart Stevenson:** May I intervene? My question was not about the legislation, although the answer to the question might be of a particular character and might indicate that the legislation is out of step with the requirements. I hope that that is of assistance.

**Mr Milarky:** Nothing in the legislation says never. There are options. Decisions that are made on derogations from European or UK legislation are determined by the scientific data. New information may be collected that requires us to consider other issues and changing patterns, and

Col 4402 it is clear that a view that was formed in one year may need to change as the information is amended. A changing scenario is always influenced by information.

**Allan Wilson:** As I understand the situation, the derogations that provide for the culling of ravens that take lambs or of ducks that take fish are derogations from the primary legislation on the protection of species. In theory, the same derogations could be sought and secured, subject to the necessary scientific advice supporting the contention.

**Mr Milarky:** The circumstances under which any derogations or licences may be granted are stated quite clearly in legislation and in other reports. The Executive does not keep that information to itself or encourage individuals to guess what the circumstances may be. Those circumstances are clearly prescribed, and each situation would be measured against the requirements of the legislation. There would need to be scientific data that would require or justify the taking of action. Whether that action was for the protection of certain species or for reasons of public safety, those options exist and information about them is clear and available to all interested parties.

**Stewart Stevenson:** Do the minister and his advisers have sufficient

information available to them on predation by raptors on other threatened species—mammalian or avian—that would enable them to respond definitively to the gamekeepers' concerns? My understanding is that the gamekeepers have expressed concerns not only about the commercial species for which they are responsible but about the natural species that form no part of their direct commercial interests. I want to pursue that particular aspect of the issue. Is there an information gap? I used the example of the goshawk and the caper, but I am sure that there are many others.

**Allan Wilson:** As I understand it, there is no derogation or provision to address what could be described as a surplus of game stock. I ask Dr Bainbridge to comment on whether there is such a derogation in relation to other protected species.

**Dr Bainbridge:** Legislation provides for a derogation for the protection of flora and fauna. In theory, there could be a derogation in relation to goshawks and capercaillies. As a threatened species of fauna, capercaillies could be protected under such a derogation. Historically, one or two licences have been issued south of the border for the protection of rare breeding birds from individual raptors. Such cases have been rare and have involved situations in which it would have been demonstrated that an individual bird had been taking a large number of chicks from a small tern colony, for example.

Col 4403 I am not 100 per cent certain about the evidence that we have on capercaillies. I know that some studies by Dr Robert Moss, lately of the Institute of Terrestrial Ecology, have suggested that there is no clear link between the number of raptors in capercaillie areas and the level of capercaillie predation. I am not aware that there is good evidence to suggest that goshawks predating on capercaillies is a big problem, although I am sure that goshawks would do so, if given the opportunity. In that specific case, it would be worth while obtaining more evidence.

However, capercaillies face much bigger problems than occasional predation by goshawks. The Executive is working with SNH and many landowners to take urgent action to protect capercaillies through, for example, legal predator control of foxes and crows and the removal of forest fences. A raft of measures can be taken to help capercaillies. There is no need to resort to taking action in an area in which we have little information about the consequences.

**Stewart Stevenson:** You acknowledge that there are information gaps. I am not proposing anything; I am simply seeking to establish that there are information gaps, which you have accepted.

**Dr Bainbridge:** There are gaps in the information about raptor predation on songbirds in general. The raptor working group looked carefully at that area and I recommend that you read the relevant chapter of the working group's report. A series of independent-minded specialists examined all the evidence on raptor predation on songbirds and concluded that there is no clear evidence that raptors have an effect on the songbird population. They considered a number of detailed and major studies.

**Mr Morrison:** I will be brief, as Jamie McGrigor is about to ask some very carefully crafted questions. In his opening statement, the minister mentioned the necessity of protecting rare birds. He is aware of a situation in my constituency that exercises gamekeepers in North and South Uist, among others—the ever-increasing proliferation of the hedgehog footprint. I seek assurances from the minister that he and his agencies will remain focused on the issue and that they will continue to proceed with a programme of humane control and removal of predating hedgehogs.

**Allan Wilson:** In the summer, I took the opportunity to visit the Uists with Martin Milarky, to see for myself the impact that hedgehogs are having on the indigenous wader population. The wader project gave us a presentation. Our European partners would not take seriously our efforts to control alien species if we were not to take action to control the hedgehog population, given the impact that that predator is having on

Col 4404 species of the wader population in the Uists that are very rare in European and global terms. The Scottish Executive remains focused on that overriding objective in relation to hedgehog control.

**The Convener:** I was not going to allow Mr McGrigor back in again but I am intrigued by what Mr Morrison said about his carefully crafted questions.

**Mr McGrigor:** I have a question for Dr Bainbridge. In your previous employment with the RSPB, were you a senior figure?

**Dr Bainbridge:** Yes.

**Mr McGrigor:** What position did you hold?

**Dr Bainbridge:** I worked for the RSPB for 18 years from 1984 to early 1992. My final position was as head of research for the RSPB Scotland.

16:15

**Mr McGrigor:** As a—

**The Convener:** No, that is it. I am sorry. I asked you for one carefully crafted question and you have asked it. That brings us to the end of the evidence-taking session.

Minister, I thank you and your officials for giving up your time to come to the committee, and for answering questions in the way in which you have. I invite you to withdraw. The committee will then determine what it is going to do with the petitions.

**Mr Morrison:** Convener, it is highly inappropriate that members of the public are able to approach members of this or any other committee and present them with papers containing information or data, postcards, invitations to weddings or funerals or anything else. Can I say that I find that highly inappropriate and seek an assurance from you that this will be the last time it happens at the Rural Development Committee?

**The Convener:** No, I am afraid that you cannot, because the Conveners Group has considered the matter and determined not to make a ruling. It has left it up to individual conveners to determine whether that practice disrupts a meeting. If I saw a flow of such things, I would consider it disruptive. I understand that the Procedures Committee is considering the matter with a view to giving a more robust ruling. I appreciate what you are saying, but that is why I did not take any action at the time.

Minister, did you want to say something?

**Allan Wilson:** There was an earlier exchange from which some people might infer that Dr Bainbridge's evidence to the committee was somehow influenced by his former employment. It might be appropriate to give Dr Bainbridge the opportunity to refute that.

Col 4405 **The Convener:** Yes, it is only fair to give Dr Bainbridge that opportunity. I do not consider that anyone's past colours the evidence that they give the committee.

**Dr Bainbridge:** Thank you for those comments. I will restrict myself to saying that while I was working as head of research for the RSPB, my job was to commission, conduct and manage objective research. A lot of the RSPB's research has underpinned the raptor working group's work. That research went through peer review publication, which was the closest scrutiny undergone by any of the working group's work. I hope that my employment with the Scottish Executive was offered—it was accepted—on the basis that I would continue to provide objective scientific and ecological judgments. That is what I am endeavouring to do and I hope that I do it to the best of my ability.

**The Convener:** You did not have to say that, Dr Bainbridge, but I thank you for doing so. My worry is that the final question has coloured the determination that the committee will now make, but so be it.

**Mr McGrigor:** May I have a moment to say why I was going to ask Dr Bainbridge if he had held a position with the RSPB?

**The Convener:** Very briefly.

**Mr McGrigor:** Dr Bainbridge mentioned songbirds earlier. Because he has knowledge of birds, I was going to ask whether he knew of the magazine called "The Bird Table", which is the voice of Save Our Songbirds, and whether he was aware of the correspondence in it on what people think about the fall in the number of songbirds.

**Mr Morrison:** Convener, if you are going to allow that line of questioning to be pursued, I expect every other member—

**The Convener:** Absolutely. We cannot pursue the issue at the moment. I have brought the evidence-taking session to an end. If Mr McGrigor wants to bring out points during the committee's deliberations, he is quite free to do so. I am sorry that the situation has got a little bit messy when it did not have to.

Mr McGrigor, I said that I would allow you one carefully crafted question, and that is what I did.

**Mr McGrigor:** You stopped me.

**The Convener:** At that point, we will end this session. I thank the witnesses again for attending.

At this point, ladies and gentlemen, we will move to our deliberations on the petitions. Members will have seen from their papers that the clerk has detailed three options for action that we could take on the petitions. I hope that our deliberations will be based on the evidence that we have received, Col 4406 not on the side tracking at the end. That is the only sensible way in which to proceed.

Our deliberations today have a certain parallel with our discussions over the past two weeks on how people at the coalface of an industry distrust the science that is put in front of them. They feel that there is a lack of communication between them and those that put forward the science. It strikes me that we are facing a similarly difficult position, on which I find it hard to determine. I would be interested to hear how members think we should proceed with the petitions.

**Stewart Stevenson:** The answer about there being gaps in some of the research, particularly on bird-to-bird and bird-to-mammal predation, was one of the most important. That opened the door as to why the committee should support the gamekeepers' petition and its call for research. That was an honest answer given by someone whom we know to have considerable experience in this area, and it simply supports a number of views that people have expressed about raptors. It also supports the gamekeepers' experience.

The gamekeepers' petition asked for additional independent research, but I am finding it very difficult to determine what that means in this context. I propose that we ask the minister to undertake research. Additional research on predation should be conducted and the gamekeepers and other interests should be directly involved in assisting the minister to specify the scope of the research, review its initial findings and formulate the research report for publication in future. However, it is clear that that will take longer than six weeks. It will not be available before certain events take place and will happen in the longer term. I encourage my colleagues on the committee to invite the minister to conduct additional research, given that Dr Bainbridge conceded that there were gaps in research. I would be astonished if any scientist in the area of ecology were not to make such a statement. We should recognise that and use the research as

a way forward.

**Mr Rumbles:** It is clear that petition PE187 is subject to petition PE449. The petitioners behind PE449 ask for three things. First, they ask that the petition be passed to the Rural Development Committee for consideration, which has happened. Secondly, they ask that the Rural Development Committee call the SGA to give oral evidence on the matter, which we have done. Thirdly, they ask that the Rural Development Committee launch an independent investigation as a matter of urgency. One of the great benefits of the Parliament—and one of the great differences—is that the committees have the power to launch independent investigations. We also have the power to request that the Parliament

Col 4407 commission independent research. One of the problems that we have seen from the evidence that we have taken this afternoon is that the SGA distrusts—to put it mildly—the evidence that SNH has given us. That is my interpretation.

If the Parliament, through the committee, were to commission independent research into the matter, that would seem to meet the petitioners' requirement and would do the petitioners and the Parliament a service. That said, I appreciate that the Parliament is about to be dissolved. The Conveners Group, to which an approach on the matter could and should be made by the committee, has closed the final bidding round for such research. I propose that we refer the petition back to the Public Petitions Committee, which could hold it over until the next Parliament meets, with the recommendation that it is referred back to the new Rural Development Committee, which will be aware of our recommendation.

**Rhoda Grant:** I propose something slightly different from Mike Rumbles's suggestion. I am not sure that the committee is best placed to instruct the kind of research that we are considering, because we are not experts.

Someone said in evidence that the moorland forum could carry out the research or approach someone else to carry out the research on its behalf. We could ask the SGA to see whether it could pursue that route. It could investigate whether the moorland forum would consider conducting research. However, we should keep the petition open. If it were not possible for the moorland forum to consider conducting research, the new Rural Development Committee should reconsider the petition and explore Mike Rumbles's suggestion.

I would also like us to write to the Executive to highlight the fact that the

moorland forum does not cover the entire area that the SGA is concerned about. We have highlighted that matter during the meeting, but it would be right to do so again in writing. Perhaps the Executive would like to consider setting up a similar forum or to extend the moorland forum's remit to cover all of Scotland.

**Mr Rumbles:** I will respond with a point of clarification. Rhoda Grant is right to say that we are not experts; I am not suggesting that we are. In the same way as representatives of SNH are the official experts for the Scottish Executive, the Parliament allows us to commission an expert to produce recommendations for the committee. I propose taking that route because we are not experts. That is a slight misunderstanding between us.

**Rhoda Grant:** No. There is no misunderstanding. I am concerned about formulating the research bid, which is important if

Col 4408 we are to get the answers that we require from the research. A body such as the moorland forum may be better placed to examine existing research, identify gaps and put out a bid for the work. It would have more expertise in the area. As a first step, we could suggest that the moorland forum does that. If that is not possible or is blocked in any way, the petition should—to take up Mike Rumbles's suggestion—remain live and come back to us. Any research would be better than no research.

**Mr Morrison:** The first and obvious point is to ensure that the petition remains live. There are ways of doing that.

My next point is about the moorland forum. Can the minister, his officials, SNH and the other partners advise the committee before we next meet as to whether there are structures within the forum to take some of the research forward? I also ask the minister to respond to us quickly in writing about plugging the gaps in the available data. He said that he remained open minded, as we would expect him to be, about any suggestion that comes from the committee. Rather than go down the line identified by Mike Rumbles, we should ask the minister how he envisages this area of research being taken forward. Commissioning research takes time and, as we know, the clock is ticking. The process of plugging the research gaps could be taken right into the next parliamentary session.

**Mr Rumbles:** In order to avoid doubt, I would like to say that I agree with Alasdair Morrison, but if that approach does not work, or there is not an effective response, we should keep the second option open.

**Richard Lochhead:** This has been an interesting evidence-taking session, in which a lot of pertinent issues have been raised. As the convener said, there are analogies to be drawn with other sectors in which there is a gulf between the people at the coalface and the data on which, from time to time, regulations or opinions are based.

We should keep our response to the petitions proportionate and not over-egg the pudding. We should simply note the petition on culling, as it is dependent on the second petition. On the second petition, we must remind ourselves that the UK raptor working group has been meeting for five years. It is surprising that the issues were not developed further in that forum, if they are major. We must also bear in mind the fact that, as the evidence from the gamekeepers was anecdotal, the conclusions that we can reach based on that evidence will be quite limited.

That said, some genuine concerns were expressed, to which we should respond. Our

Col 4409 response should simply be a letter to the minister, identifying the two or three gaps in the data that were highlighted today and asking whether those gaps can be plugged. Given the fact that the moorland forum and other groups exist, we should also ask whether those groups could be used to plug the gaps. The committee has a lot of priorities to balance in using its remaining resources and time, and I repeat that we must ensure that our response to the petitions is proportionate.

16:30

**Nora Radcliffe:** I agree totally that we should leave petition PE187 until after the requirements of petition PE449 have been met, to whatever extent we decide that they should be. During the evidence-taking session, I was worried about the fact that we kept coming back to the Langholm project. That suggests to me that it has been the only multifaceted, holistic look at a complex set of circumstances involving raptor numbers, other bird populations and habitat differences. The issue is extremely complex and must be addressed holistically. From the evidence, only the Langholm project seemed to deal with the issue in that holistic way. We need more research that takes such a multifaceted approach. We were told that we can be pretty certain of the number of hen harriers in 1998, as the research was undertaken in a careful and considered way. However, we do not know the other data that surround that research.

Another interesting fact to come out of the evidence was the degree of

confidence that exists in the moorland forum. The forum has been running only since 2002, but it has people's confidence. If further research is to be undertaken, the forum should decide what needs to be done. I doubt very much whether the forum has the sort of budget that would allow it to commission research; therefore, perhaps we should recommend that the Executive indicate a willingness to fund research suggested by the moorland forum, along the lines of what the SGA is asking for.

**Mr Rumbles:** The petitioners were quite clear that they wanted an independent inquiry, and the word independent was focused on in their evidence. I have no problem at all with what Alasdair Morrison has suggested as a first stop—that the Executive could take the matter up and commission further independent research. That would be grand. However, in case that door closes on us, we need to keep the petition alive and make a recommendation that a future Rural Development Committee should utilise one of the powers that the Scotland Act 1998 gave committees—the power to institute their own independent research. There is a budget for such research. As a member of the Conveners Group, I

Col 4410 know that that money is available. I suggest that such an avenue would be open to us if, having pursued the matter with the Executive, we find that that door is closed.

**The Convener:** I propose that the committee notes petition PE187 and closes its consideration of the petition. Is that agreed?

**Members** *indicated agreement.*

**The Convener:** I further suggest that, on petition PE449, we write to the minister to say that we are in agreement that there are gaps in the science that is being used to make important decisions concerning all the issues that we have discussed and that we believe that further work needs to be done. It may or may not be possible to do that work through the moorland forum, but I shall ask the minister to return to us before our final meeting on 18 March—when we will have to meet anyway—with his proposals for filling those gaps. He has already said that he is willing to consider any proposal that comes from the committee.

In the meantime, we will write to the Public Petitions Committee, intimating that we intend to keep consideration of the petition open. We will have to do that by 17 March, if it is to remain alive. We can withdraw that proposal if we are happy with the minister's response to us on 18 March; however, the matter will be in the hands of the Public Petitions Committee if we are

not satisfied with his response. In that way, we can refer the petition to the successor Rural Development Committee, whose decisions will never be as good as ours, I am sure, but which will look at the issue with the same seriousness that we have shown this afternoon. Is that agreed?

**Members** *indicated agreement.*

**The Convener:** Thank you all for your support on that. I draw the public part of this meeting to an end and thank everybody in the public gallery for being so patient.

16:35

*Meeting continued in private until 18:02.*

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