



Proposed Deer Management Strategy

Defra Consultation

Date: 02 September 2022

The CLA is the membership organisation for owners of land, property and businesses in rural England and Wales.

We help safeguard the interests of landowners, and those with an economic, social and environmental interest in rural land.

Our 27,000 members own or manage around half the rural land in England and Wales and more than 250 different types of businesses.

Many of our members use land for woodland and forestry. CLA's main interest in the development of an England Deer Management Strategy is in relation to effective management of existing woodlands and the successful creation of more new woodlands.

CLA are part of the Deer Initiative partnership, a forum of stakeholders with an interest in deer management and welfare, which achieved much consensus when it recently discussed Defra's proposals for a Deer Management Strategy. CLA's response on these proposals should be considered alongside those of the Deer Initiative partnership and its constituent partners who have responded in their own right.

Introductory questions

Q1. What is your correspondence address?

Postal address, email address and telephone number are given at the end of this document.

Q2. Would you like your response to be confidential?

No.

Q3. What capacity are you responding to the consultation in?

Sector trade body or membership organisation (representing rural landowners and businesses).

Q4. If you are responding on behalf of an organisation, please tell us what organisation?

The Country Land and Business Association (CLA).

Q5. If you are responding on behalf of an organisation, how were your answers to the questions below determined? (For example, consultation of staff or members, senior management team input, individual, or other)

Answers were determined by drafting initial responses based on sectoral knowledge, discussion with colleagues and partner organisations on the Deer Initiative, then seeking and working in comments on our draft response from CLA members and senior management.

Sustainable management

Q6. To what extent do you support the introduction of incentives for reducing deer impacts to protect woodland?

Strongly Agree

As noted in the consultation document, overall deer numbers are now estimated at 3-4 times that of the 1970's. Natural predation is absent and markets for wild venison and stalking are relatively small. Too few land managers actively control deer due to the costs and practicalities involved. This 'market failure' results in burgeoning numbers of deer in many areas, browsing activity from which compromises Government ambitions for tree planting. Given the growth in deer numbers and the importance now attached to growing woodland cover and protecting existing habitat, it would be wasteful of public money if commensurate incentives for the control of deer numbers were not made available alongside woodland creation grants. Every hectare of new woodland is another hectare of deer habitat.

To be effective, deer monitoring and management often need to be carried out at a landscape scale through co-operation by many landowners. Done properly it can be labour intensive and expensive. For this reason, CLA very much supports the introduction of measures to incentivise deer management into grant schemes like the England Woodland Creation Offer (EWCO), Countryside Stewardship and future Environmental Land Management (ELM) schemes.

Deer population monitoring and ongoing control should be a standard requirement in woodland creation proposals. Supplements and capital items to cover the costs of this should be built into incentive scheme options and architecture. There should be a requirement for applicants to plan for and cost in appropriate ongoing deer monitoring and control measures into each woodland creation project from the start - with specifics refined in consultation with Forestry Commission (FC) Woodland/Deer Officers as part of the approvals process and a schedule of actions set out in any grant agreement. Local Deer Management Groups should be encouraged and facilitated through grant schemes like those mentioned above, such as already is the case for 'farm cluster' groups, facilitated through Countryside Stewardship

Subject to necessary caveats to deal with situations out-with the control of the landowner, provision for authorities to recover or withhold financial incentives from landowners in cases of adverse deer impacts, could be appropriate. But these should only be where it can be established that the deer management measures as set out in grant agreement, were not undertaken and that relevant circumstances beyond the control of the landowner did not apply. Ongoing Woodland/Deer Officer contact and scheme requirements for agreement holders to

keep annual records of key information on deer management, such as cull numbers, as part of an adequately funded national monitoring scheme, should be used to 'design out' issues before they become problematic, thus avoiding the need for grant recovery in most cases.

Funding for a range of capital and revenue items should be made available to encourage deer management and production and marketing of quality, traceable wild venison product - either through woodland creation grant schemes or related woodland management or productivity/rural economy grant schemes. Funding should not only cover items like deer high seats but could also usefully be extended to cover thermal imaging equipment to enable counting/shooting after dark, drones and cameras for estimating populations, extraction equipment, winches, deer larders, processing, marketing and retailing costs.

Improving the laws and regulations on deer

Q7. We propose to review and amend existing legislation to allow shooting of male deer during the existing close season. To what extent do you support this proposal?

Disagree.

CLA disagrees with this proposal because we feel it is unnecessary and it will be ineffective. The key to effectiveness in getting deer numbers down, where this is needed, is to cull more females rather than concentrating on males. Making it easier to cull more males risks fewer females being culled as a result, meaning the effort to reduce the overall population in an area will be less effective. Achieving legislative change is also uncertain and can take a long time – and in any case there is already adequate provision within the legislation to allow issuing of licenses for out of season culling. Achieving the desired outcome would be better served by Defra reviewing policy for the issuing of licenses, make the process more streamlined and better resourced so that more licenses can be issued to deer managers when required.

There has been significant growth in deer populations in recent decades and far greater priority is now attached by Government to expanding our tree and woodland cover. If tree planting targets are to be met, it is important that effective steps are taken to bring deer numbers into balance with their surrounding land use where they currently are not. We do not think that legislation is the blocker to this.

It should also be noted that costs of new woodland protection (fencing and tubes) are a significant chunk over overall establishment costs (as well as generating a lot of plastic waste). But such protection only moves the deer on, increasing impact elsewhere, limiting seedling regeneration and woodland floor habitat in established semi-natural or ancient woodland. Controlling and reducing deer numbers needs to be pursued where necessary as well as protection for new woodland - ideally on a landscape scale with the creation of Deer Management Groups. In areas where deer numbers are currently unproblematic, it is always easier to manage populations before they get out of control.

Q8. We propose to review existing legislation to either reduce or remove the licencing process to permit shooting of deer at night to enable appropriate, proportionate, and effective control. To what extent do you support this proposal?

Disagree.

CLA disagrees with the proposal to remove the licensing for shooting of deer at night on grounds of public safety, animal welfare and prevention of poaching. Similarly to the previous question on amending legislation to allow more culling of males, we do not think legislation is the blocker. There is already adequate provision within the legislation to enable the issuing of licenses for night shooting. We do however agree that the process around licensing of night shooting should be made clearer and more streamlined and should require those licensed to be suitably experienced or qualified and to observe best practice guidelines. Licensing of night shooting helps with the prevention of poaching, as the Police when stopping a vehicle containing dead deer at night could request sight of the licence under which the animals were killed.

Q9. We propose to review deer legislation to enable landowners and managers to reduce deer damage to woodlands or to other public interests, preventing the further spread of non-native species and preventing serious damage to any form of property as well as to the natural environment and public safety. To what extent do you support this proposal?

Disagree.

CLA disagrees with this proposal. It is in fact very unclear what is being proposed so we are unable to comment further.

Q10. We propose to enable occupiers (tenants or owners) of land to control deer, where the deer rights are retained by the landlord or previous owner (and where serious damage is occurring to trees crops or property), particularly where these are publicly funded. To what extent do you support this proposal?

Strongly disagree.

CLA strongly disagrees with this proposal on several grounds. It infringes legitimate property rights and is likely to create unnecessary disagreement and disputes between landowners, deer managers and tenants. If a landlord retains the right to deer, there is in any case, existing provision under section 20 of the Agricultural Holdings Act (1986), for the tenant to make a claim from the landlord for damage done to crops by game. In other tenancy situations CLA would encourage landlord and tenant to communicate and work together where the numbers of deer are higher than can conceivably be part of a commercial stalking enterprise.

The proposal also risks undermining animal welfare and best practice deer management because it increases the risk of insufficiently experienced or under-qualified individuals being directly involved in deer control.

Q11. We propose to clarify the legal status of wild deer particularly in relation to enclosed deer in parks or private collections, thereby reducing the likelihood of negative deer welfare or public health issues. To what extent do you support this proposal?

Disagree.

CLA concurs with the response of the Deer Initiative partnership, in that this is a complex area and care is needed to avoid unintended consequences of any changes to legal status of wild deer. CLA would direct Defra to the response of the British Deer Veterinary Association on this issue.

Q12. We propose a more statutory approach to landowner responsibilities for deer where they are causing significant negative impacts to neighbouring land where these are impacting upon publicly funded woodlands, biodiversity and public interests. To what extent do you support this proposal?

Strongly disagree.

CLA strongly disagrees with this proposal. Making landowners legally responsible for what are wild animals would be extremely problematic. Rather than a statutory approach, CLA would advocate a voluntary approach based on awareness raising of the problems of poor deer management and incentivising collaborative actions between landowners at a landscape scale. Coupled with support for a venison market, and process and resource improvements to increase the numbers of night shooting licenses issued, this non-statutory approach would be far more effective.

Robust plans for deer and grey squirrel population monitoring and management should be a standard requirement in woodland creation proposals and supplements and capital items to cover the costs of this should be built in to woodland grant schemes. Provision for recovery of grant monies from landowners who fail to adhere to the terms of their agreement, such as deer management actions, should be built into scheme rules – but appropriate safeguards need to be applied so that woodland grant money is not recovered where the deer damage is out-with the control of the individual landowner.

Woodland grant schemes should also encourage participation in, and facilitate the setting up of, local deer management groups to better tackle deer issues by landowner collaboration at landscape scale. These deer management groups should comprise the key woodland habitat owners in an area, whether or not they have woodland creation or management grant scheme agreements. Such groups are already present in some areas, facilitated by the Forestry Commission Deer Officers.

Landowners can take steps to control deer populations over their own land but difficulties are presented when nearby landowners do not do the same - and the landowner with a woodland agreement is prevented from delivering it due to the impact of unmanaged deer harboured on 'sanctuary areas' out-with their control. Issuing of more out of season and night shooting licenses would help to tackle this problem. But consideration should also be given to making access to funding through Defra's ELM schemes, in respect of such 'sanctuary areas', conditional upon participation in the adjacent collaborative deer management group. This is all the more important given that a significant proportion of the new woodland that will be created over the coming years could be on land controlled by organisations or individuals who are not pre-disposed to controlling deer.

Consideration should also be given to having such collaborative, landscape based 'deer management agreements' between the Forestry Commission and groups of local landowners/ deer management groups in a similar way to how agri-environment agreements exist to deliver environmental management of common land. These agreements could co-ordinate deer population monitoring, culling, management and reporting between landowners at the landscape scale, and dovetail with existing or future individual woodland creation or woodland management plans at the holding level.

A means should also be set up to collect census and cull data, perhaps by annual returns sent out to recipients of woodland funding and to known deer management groups with the aim of informing the management of populations at sustainable levels. All of this would require central co-ordination, perhaps by the Forestry Commission and a network of regional FC Deer Officers or these functions taken on by FC Woodland Officers.

There is also an overall need to raise awareness amongst landowners of growing deer numbers and the negative impact that lack of management has on woodland regeneration, establishment and biodiversity.

Minimising the spread and impacts of non-native deer species

Q13. Which actions would you consider, to allow more effective means of controlling muntjac to prevent them damaging woodlands and biodiversity and expanding their range into areas they are not currently present?

Again, improving the process to enable the issuing of more licenses for night shooting, plus incentivising collaboration between landowners at landscape scale using voluntary principles as outlined above will be the most effective. Incentivised culling, particularly of females, perhaps by Defra placing a 'bounty' payment per animal is likely to be most effective.

Although they generally have a low carcass value, the meat is, however, sought after by some. Perhaps a marketing strategy to increase the consumption of venison could actively promote the use of muntjac venison.

An alternative might include the funding of research into immuno-contraception, as is being investigated for the control of grey squirrels. Muntjac have no natural predators in Britain, and the introduction of predators like lynx, as has been suggested in East Anglia, comes with major difficulties such as livestock predation and public safety.

Deer Health, Welfare and Safety

Q14. We propose that everyone who culls deer in England has to reach the same standard. To what extent do you support this proposal?

Disagree.

CLA agrees with the overall aim of promoting training and qualifications in deer management. It is important to ensure that standards of deer management practice – safety, animal welfare,

practitioner skills and competence etc - are set at an appropriately high level across the country. To ensure animal welfare standards are demonstrably maintained, ensure safety and grow public support for deer management, there needs to be Government and sectoral agreement on the minimum skill level for those involved.

But mandatory requirements for deer management qualifications could be counter-productive to the overall aim of the strategy in that it could reduce the numbers of competent people available to engage in deer control. While the majority of those actively engaged in deer culling have voluntarily gained deer management qualifications, there are also many competent, experienced practitioners involved who do not have formal deer management qualifications. Insisting on specific qualifications would act as a barrier to entry or continued engagement in the activity at a time when more competent and experienced people are urgently needed, not less. In the medium term there may be a need for some form of 'grandfather rights' to ensure there are sufficient people are available.

Greater promotion and uptake of accredited deer management training and qualifications needs to be part of the strategic thinking – but incentivised, not made compulsory. This will increase the supply of properly trained, competent and insured people to cull the deer, giving confidence to landowners to allow culling on their land.

Q15. What would you consider the most effective means of developing a consistent national approach to responding to deer collisions and deer welfare incidents?

There is a general inconsistency in approach between constabularies to dealing with deer collisions and deer welfare incidents. Some police forces deal with these issues particularly well however. Such good practice should be formalised and rolled out across the country to all police forces. Home Office guidance should be issued to all constabularies based on the examples of good practice such as those of Hampshire and Thames Valley police forces. There should also be increased driver and road user education on deer risks and accurate and consistent collation of accident figures involving deer.

Wild Venison Market

Q16. Do you consider there are presently barriers to the development of a commercially successful wild venison market?

Yes.

The relatively low existing demand for UK wild venison limits the financial incentive to manage deer. Although there are some retailers who sell it, generally there are a lack of outlets where the public can buy wild venison. A high proportion passing through UK Approved Game Handling Establishments is sent abroad. Demand for wild venison products in this country remains low.

A concerted campaign – perhaps initiated by a Government funding - to raise UK demand for domestic wild venison could incentivise more deer management. Wild deer are a significant untapped domestic food resource. Public sector caterers serving the Ministry of Defence and the

NHS, could be encouraged to use it as an alternative to other meats as is being successfully being done in East Lancashire hospitals <https://www.forestryengland.uk/news/forestry-england-wild-venison-the-menu-east-lancashire-hospitals>.

Another key barrier is the disparate 'micro-enterprise' nature of deer management and wild venison production. Aggregating supply and achieving scale and continuity of production is difficult and this acts as another barrier. Rural estates or deer management groups could be encouraged and supported in getting local wild venison from deer culled on their land into local and national supply chains. Rural economy grant schemes could encourage the development of rural farm or estate based venison larders for storage and aggregation of product to supply local or national supply chains. Successful regional projects such as the RDPE funded East of England Wild Venison Project could be replicated.

If awareness and demand and production were raised it could have significant environmental benefits by enabling better establishment and regeneration of woodland by providing a sustainable market for wild venison, which would help pay for the deer management. This 'virtuous cycle' aspect perhaps lends itself to education, where the links between environmental management, diet, health, food miles, emissions, tree cover and climate change etc can all be effectively illustrated.

Q17. To what extent do you agree that Government should support development of the wild venison sector?

CLA agrees that Government should support the development of the wild venison sector. As set out above, development of a wild venison market would not only kick start this market but also close the loop on a virtuous circular economy of climate change mitigation, tree planting, woodland management, local food etc with deer management at its heart. Support for this sector would help to underpin other related Government investments eg in tree planting grants. Rural economy grant schemes – either through national government or Local Enterprise Partnerships - could play apart in funding capital or market research or sector development projects.

Developing and improving the Evidence Base

Q18. To what extent do you support the development of a National Deer Data Dashboard?

Agree

CLA agrees that better data on deer populations, impact and cull numbers are fundamental to guiding management actions, policy and incentives. There is a need for accurate national annual cull figures to inform this but also an acceptance that populations of the various deer species vary across the UK and deer numbers are not necessarily problematically high everywhere. As stated above, a means should be set up to collect census and cull data, perhaps by annual returns sent out to recipients of woodland funding and to known deer management groups to inform the management of deer populations at sustainable levels. Central co-ordination, perhaps by the Forestry Commission and a network of regional FC Deer Officers or by an appropriate other organisation would be required to ensure consistency. Consultation with stakeholders such as those on the Deer Initiative partnership would be needed to properly design such a project.

Technology is already allowing for much more accurate collation of population numbers, using thermal imaging and drones. Drones can now be fitted with high definition cameras and thermal imaging cameras, enabling much more accurate indications of deer numbers over a given area, by night or day, with minimal disturbance, and in a much shorter timescale than labour intensive surveys on foot or by vehicle. The use of such new technology needs to become the norm for measuring populations of deer over larger land holdings

Financial implications of proposed strategy actions.

Q19. Do you believe any of the proposed actions will have any positive or negative financial implications for the woodland/land management sector?

Yes. There could be positive and negative financial implications depending on specifics. As outlined above, financial incentives need to be built into rural funding schemes to help cover the costs if we are to see a significant increase in deer management activity because the market rewards from venison production are currently insufficient to drive it. Incentives should cover costs of capital items such as equipment, training, and data collection but also set up and facilitation costs of deer management groups.

20. Do you believe any of the proposed actions will have any positive or negative financial implications for those involved in deer management?

Yes. See Q19.

21. Do you believe any of the proposed actions will have any positive or negative financial implications for wild venison production?

Yes. Referring to Q16 and Q 17, there could be positive implications but central government or Local Enterprise Partnership funding is likely to be required to lever in private investment before a wild venison market can become self-sustaining.

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