

**Petition 1124
Response by Petitioners to Written Submissions**

August 2008

INTRODUCTION

We would like to thank the organisations which have responded to our Petition with written submissions for taking the time to do so. In the interests of brevity we will not address each point raised in the responses, although we are happy to do so if required, but will group the main points under generic headings. We have however addressed the Scottish Government's statement under a separate heading.

The principal themes emerging from the submissions are:

- conservation and biodiversity (including ground-nesting birds, capercaillie, National Parks, and protected species)
- land management
- economic arguments
- animal welfare
- enforcement
- agriculture.

In compiling our response we have tried to address the arguments made in some of the submissions for retaining snaring, by providing evidence that a complete ban on snares in Scotland is the only sensible and humane option. We believe that the negative impact of snaring on animal welfare, the diversity of species affected and the persistent problem of illegal use of snares, far outweigh any claimed benefits in allowing the continued use of these traps.

CONSERVATION AND BIODIVERSITY

Claims that snaring makes an indispensable contribution to conservation and biodiversity come almost exclusively from the shooting industry, which imposes rigorous predator control on much of Scotland's countryside. The responses from Scottish Estates Business Group (SEBG), Scottish Rural Business and Property Association (SRBPA), Scottish Gamekeepers' Association (SGA) and Scottish Countryside Alliance (SCA) all start from the basis that land needs to be managed for shooting and that this must involve the wholesale killing of predators. However if predator control persists in the countryside, the question needs to be asked whether the practice of snaring is an essential element of that control.

A number of similar claims for the importance of snaring appear in the responses from the land management and country sports organisations, for example: "Snaring plays an important role in shoot management and ultimately in sustainable economic and social development of rural communities" (SRBPA).

While we appreciate the concern for rural communities – many of the supporters of our Petition are from those very communities - evidence is not given to support these claims, and there is a danger of exaggerating the importance of snaring. Put simply, Scotland's

shooting and agricultural industries and the rural economy will not collapse if the use of snares is made illegal.

Conversely, biodiversity is clearly adversely affected by the toll of non-target species, including protected species, caught in snares. In December 2007, the Scottish SPCA produced a report¹ based on survey responses from 102 vet practices, 64 Scottish SPCA Inspectors, 18 police Wildlife Crime Officers and three wildlife rescue and protection agencies. The results showed a wide variety of animals being caught in snares. Out of 269 animals reported, the vast majority (77%) were non-target species, including companion animals (17%) and European Protected Species (12%).

The Independent Working Group on Snares² suggested that even with good fieldcraft and training, the overall proportion of non-target species captured in fox snares may be around 40%. The evidence of these reports, and many more, is that snares are intrinsically indiscriminate.

We ask the Committee to note also the records submitted by the Scottish SPCA. Calls about snared animals since February 2008 have concerned a total of 24 animals including dogs, cats, badgers and pine marten; and the Society's Investigation Support Unit has investigated 21 snaring incidents, 18 of which involved unnecessary animal suffering due to the misuse of legal snares. Scottish Badgers has recently reported that there have been 14 cases of badgers being snared so far this year, involving 19 of these protected animals. Thousands of protected mountain hares were illegally snared without licence last year. We submit that there is a serious problem of non-compliance with the current regime, with a commensurate impact on conservation, and that regulations will not solve this problem.

Finally, we urge the Committee to agree that foxes and other persecuted predators, such as raptors, are part of biodiversity and that every sentient creature in Scotland's countryside should be protected from suffering, including those that are disliked by some people.

Ground-nesting Birds

Several groups have raised concerns over the threat to ground-nesting birds, such as golden plover and lapwing, and the damage to their habitat from foxes and rabbits. While we agree that this is a concern, we do not agree that snares are pivotal to safeguarding populations of ground-nesting birds.

The organisations which have raised these concerns are also involved in commercial shooting and land management for this sport. We feel that the expert advice from the Royal Society for the Protection of Birds (RSPB), which aims to protect and conserve all birds, is more impartial.

The RSPB manages 73 nature reserves in Scotland, covering over 65,000 hectares, and has practical experience of managing land for both conservation and farming. The RSPB as a matter of policy does not use snaring as a method of pest control on any of the land it manages.

In its written submission regarding this Petition, the RSPB states:

¹ Snaring in Scotland: A Scottish SPCA Survey of Suffering, November 2007

² Kirkwood et al, Report of the Independent Working Group on Snares, DEFRA 2005

“In general, the RSPB sees predator control as a tool of last resort and prefers to use non-lethal methods or habitat management to mitigate predation.”³

On this basis, we ask the Committee to disregard the following points raised by SRPBA and SGA, on the grounds that they are irrelevant and misleading:

“The Singing Fields’ report concludes ‘On grouse moors, red grouse, black grouse, lapwing and curlew, are faring better than elsewhere but are in national decline’. At the report’s launch Dr Mark Avery – RSPB’s Director of Conservation, said: ‘We are increasingly recognising that predators are having a greater impact on ground nesting birds and waders and on more and more of our nature reserves are carrying out predator control.’”⁴

“The essential feature which enables us to generate this biodiversity is predator control. Even the RSPB’s 2007 report, the Predation of Wild Birds in the UK, states: ‘However, there are cases particularly for some ground nesting birds, where predator control can provide a valuable additional tool for conservation managers.’ There is therefore general agreement across the land management spectrum about the significance of predator management.”⁵

Given the RSPB’s policy not to use snares, it is clear in both these examples that the method of predator control being discussed is not snaring. It is also worth making clear at this stage that this Petition is specifically calling for a ban on snares and is not a petition against all methods of predator control.

Capercaillie

Concerns were also raised in written submissions over the threat to capercaillie from predation. The RSPB also raised concerns about capercaillie,” but not due to predation: it was concerned that capercaillie could actually become caught in snares and that this might be *“a widespread and under-recorded problem.”⁶*

Capercaillie are now listed on Schedule 1 of the Wildlife and Countryside Act 1981. Therefore it would be an offence to kill, injure or take a capercaillie with a snare. Despite the increased protection recently afforded to the species we believe current legislation on snaring does not support or reinforce this protection, in fact quite the opposite. The European LIFE programme for capercaillie favours legal pest control to help the species but opposes the use of snares in woodland due to the risk they pose to the birds.

We feel that, given the protected status of the capercaillie and the danger that snares actually pose to the species, the following statement in the SRPBA submission is incorrect:

“Hence predator control, including snaring as a key component, serves also to protect species of high conservation value, including declining species such as capercaillie...”⁷

³ PE1124/H - RSPB written submission to petition PE1124

⁴ PE1124/D – SRPBA written submission to petition PE1124

⁵ PE1124/C – SGA written submission to petition PE1124

⁶ RSPB Scotland response to snaring consultation January 2007

⁷ PE1124/D – SRPBA written submission to petition PE1124

National Parks

On making his announcement on the future of snares, the Minister for Environment, Michael Russell MSP said:

“The National Parks staff at Loch Lomond and the Cairngorms have, amongst others, made it clear that without snaring being available to them as a means of predator control they fear they would be unable to meet their statutory objectives in maintaining biodiversity.”⁸

This statement is echoed in the submissions of the SEGB, SGA and SRPBA. However it needs to be clarified that the National Parks do not themselves undertake any predator control – that is not the role of Park Authorities. In fact, in its response to the snaring consultation, the Loch Lomond and Trossachs National Park stated:

“The National Park Authority (NPA) does not routinely undertake snaring or other direct management of wild animals.”⁹

It continued:

“The NPA recognises the need to avoid impacts on species of Annexes V and IV(a) of the Habitats Directive and the requirement under Annex VI to prohibit traps for capturing or killing mammals which are non-selective according to their principle or their conditions of use. Snares have the capacity to trap, injure or kill all four Annex IV and V species listed above that occur in the National Park.”¹⁰

(The species referred to are European Otter, Wildcat, Pine Marten and Mountain Hare.)

Although the Cairngorms National Park Authority does in some instances accept the use of snaring, *“as a last resort”*, it has also raised the issue of the threat that snares pose to the Scottish Wildcat.

Protected species

The Wildcat is one of Scotland’s most threatened species: the population has fallen sharply in the last decade with some estimates putting the number of cats at 400. The Cairngorms are the remaining stronghold for the animal. In February this year the Minister launched the first survey in 20 years on the number and health of Wildcats, and in April, a conservation project was launched to raise awareness of the problems facing the species and to put practical actions in place to safeguard its future. Although there is little recorded evidence from such a small population to show to what extent snares threaten the species, experts in the field have serious concerns. Steve Piper from the Scottish Wildcat Association has stated:

“I am in no doubt that snaring causes a significant amount of Scottish wildcat deaths in the Highlands.”¹¹

⁸ Environment Minister Michael Russell Statement on Snaring Feb 2008

⁹ Loch Lomond and the Trossachs National Park response to snaring consultation Feb 2007

¹⁰ Loch Lomond and the Trossachs National Park response to snaring consultation Feb 2007

¹¹ Steve Piper, pers comm., August 2008

The view that snares pose a serious threat to endangered and protected species is echoed by other wildlife organisations. Jill Nelson, Chief Executive of the People's Trust for Endangered Species has stated that:

*'People's Trust for Endangered Species does not support the use of snares to trap any animal. Although meant as restraining devices, snares are unselective and can trap species that they are not intended for that are protected by national or European legislation, which is unacceptable.'*¹²

As shown elsewhere in this paper, other protected species that frequently fall victim to snares include badger, pine marten, otters and mountain hares.

LAND MANAGEMENT

The organisations arguing for the retention of snaring on conservation grounds (SGA, SEBG, and SRPBA) promote particular forms of land use dependent on individual species. We feel it is important to look at the snaring policies of other organisations which practise other forms of land use or have clearer conservation objectives. There are a number of organisations in Scotland which own and manage a considerable proportion of the country which choose not to use snares but instead employ alternative tactics to promote conservation, be these alternative methods of predator control or simply habitat management which benefits the prey species rather than the predator.

We have already mentioned the non-snaring policy of the RSPB. Other examples include:

Forestry Commission Scotland

The Scottish Forestry Strategy 2006 highlights the following points:

- *Scotland's biodiversity is special, hosting 65 out of 159 conservation priority habitats and species listed in the European Habitats Directive.*
- *International commitments have been made on the conservation of biological diversity. The Nature Conservation (Scotland) Act 2004 introduced a general duty on public bodies to further the conservation of biodiversity and to have regard to the Scottish Biodiversity Strategy, the Convention on Biological Diversity and a list of species and habitats of importance to Scotland (the Scottish Biodiversity List).*
- *A number of key species such as red squirrel, capercaillie and black grouse require special help if they are to survive.*
- *The biodiversity value of some open ground habitats, such as raised bogs and internationally important blanket bogs, has been reduced in the past by poorly planned woodland expansion, encroachment or lack of appropriate management.*¹³

The Scottish Forestry Strategy Implementation Plan 2008 – 2011 states:

Joint action programmes for three key woodland species: capercaillie, black grouse and red squirrel, were developed by FCS, SNH and other partners. Capercaillie fence-marking and habitat improvement work has continued apace and black grouse inventory

¹² Jill Nelson, pers comm., August 2008

¹³ Scottish Forestry Strategy 2006 | 47

*and management work is underway in trial sites on the National Forest Estate. Both species will be specifically targeted by the SRDP through guidance from the RSPB.*¹⁴

Forestry Commission Scotland as a policy does not use snares on the national forest estate

We are surprised therefore to see reference in the SGA response to the role of predator control on behalf of the Forestry Commission: we assume that this does not mean control using snares and is therefore not relevant to this Petition.

Scottish Natural Heritage

Scottish Natural Heritage (SNH) is involved, with private partners or with organisations such as Forestry Commission Scotland and the National Trust for Scotland, in the management of over 50 National Nature Reserves the length and breadth of Scotland. In preparation for the consultation on snaring in 2007, SNH surveyed its reserves to find out to what extent SNH might be using snares on the land. No examples were found.¹⁵

Scottish Wildlife Trust

The Scottish Wildlife Trust is a significant landowner and manager of land for conservation, having over 120 reserves covering an area of over 20,000 hectares. It is committed to protecting Scotland's wildlife by giving homes, a voice and access to wildlife. It offers practical conservation solutions through habitat management and takes an independent view on wildlife issues.

The Scottish Wildlife Trust as a policy does not use snares, and supports a complete ban on their use in Scotland.

Woodland Trust

The Woodland Trust is the UK's leading charity dedicated solely to the protection of native woodland heritage.

The Woodland Trust aims to manage its woods sympathetically for wildlife and public enjoyment. It uses its experience and authority in conservation to influence others who are in a position to improve the future of native woodland. This includes government, other landowners and like-minded organisations¹⁶.

The Woodland Trust as a policy does not use snares, and believes the use of snares should be banned UK-wide.

John Muir Trust

The John Muir Trust is a charity, with over 9,000 members, dedicated to the protection of wild land for both nature and people. The Trust has ownership of over 25,000 hectares of land and has partnership in a further 50,000 hectares. The Trust aims to protect existing wild places so as to conserve their natural processes, and their indigenous animals, plants and soils through land management¹⁷.

¹⁴Scottish Forestry Strategy Implementation Plan 2008-2011

¹⁵ Dr Chris Sydes, pers comm. July 2008

¹⁶ www.woodland-trust.org.uk

¹⁷ www.jmt.org

While the John Muir Trust allows its tenants to decide what legal predator control methods - if any - to use, Trust staff do not use snares for the control of any species.

Freedom Food

Freedom Food is the RSPCA's farm assurance and food labelling scheme. The aim of the scheme is to improve the lives of as many farm animals as possible. It works towards this by implementing the RSPCA species-specific welfare standards for farms, hauliers, and abattoirs across the country.

Although Freedom Food currently has no policy on snares we understand that the RSPCA, which is opposed to the use of snares, will review its standards in the near future to ensure that snaring is not permitted on Freedom Foods accredited farms.¹⁸

Local Authorities

Twelve local authorities have responded to enquiries made by Advocates for Animals and the League Against Cruel Sports¹⁹ and have all confirmed that they do not use snares on any council-owned land. These local authorities are:

- Argyll and Bute Council
- Comhairle nan Eilean Siar
- Dumfries and Galloway Council
- East Dumbartonshire Council
- East Renfrewshire Council
- Falkirk Council
- Highland Council
- Moray Council
- Perth and Kinross Council
- South Ayrshire Council
- West Dunbartonshire Council
- West Lothian Council

Aberdeenshire Council, Aberdeen City Council, East Ayrshire Council and West Lothian Council all supported an outright ban on snaring in their responses to the Scottish Executive consultation.

ECONOMIC ARGUMENTS

We note that the estimated contribution by shooting of £240 million to certain rural areas is cited by SGA, SRBPA and SCA. Once again we stress that the report on which this figure was based was prepared by PACEC on behalf of the British Association for Shooting and Conservation, Country Land and Business Association, and Countryside Alliance and in association with Game Conservancy Trust. We stand by our concerns raised in the initial Petition hearing about the PACEC report.

Even with this proviso, we draw to the Committee's attention the fact that the report shows that - by numbers of providers and on a UK basis - the two largest sport shooting sectors are avian pest control (eg pigeon shooting) and mammalian pest control (eg

¹⁸ John Avizienius, RSPCA, pers comm. August 2008

¹⁹ Advocates/League local authority survey June 2008

rabbit shooting). Deer stalking is also a significant sector. In other words, there are significant parts of the shooting industry which, while counted in the overall income referred to in these submissions, would not be affected at all by the banning of snaring.

With regard to the economy, in particular the tourism industry, it is impossible to estimate how much money may be lost as a direct result of the shooting industry i.e. those people who are put off visiting the countryside because of shooting. Large parts of the countryside are effectively closed off to the public when shoots are taking place and we know that UK-wide, according to a poll by CommunicateResearch in 2005²⁰, 80% of the population think that making money from the killing of wild birds or mammals for sport is totally unacceptable.

There are no current figures for the value of wildlife tourism to Scotland, although the Scottish Government has now agreed to commission research into this area. According to Visit Scotland in 2006, wildlife tourism generated £210 million in that year for the Scottish economy.²¹

ANIMAL WELFARE

In our view, no economic benefit can justify the extreme cruelty to animals that is caused by snaring. We believe that we have fully made the case that snaring causes suffering and we note that, apart from the Scottish SPCA – which supports a ban on snares - there is very little discussion of animal welfare in the submissions to the Committee.

To take one statement as an example: “SEBG believes it is essential to balance the humane treatment of wild animals with nature conservation and biodiversity objectives and the practical needs of good land management.”²² We hope the Committee will reject the suggestion that there is a conflict between nature conservation and the humane treatment of wild animals. We suggest that if nature conservation is not a humane activity then it is fundamentally morally undermined.

We are pleased that the BVA has clarified in its submission that it has no official policy on snaring and we suggest that it may have been inappropriate for the Minister to cite the BVA in support of his decision not to ban snaring. The BVA response also states that it supports the report of the Independent Working Group on Snares²³. We take this opportunity to remind the Committee that the IWGS report listed a number of adverse welfare impacts likely to affect snared animals, including:

- The stress of restraint, which could include frustration, anxiety and rage;
- Fear of predation or capture whilst held by the snare;
- Friction, penetration and self-inflicted skin injuries whilst struggling against or fighting the tether;
- Pain associated with dislocations and amputations especially with un-stopped snares;
- Ischemic pain (due to lack of blood supply) associated with ligation of body parts;

²⁰ National Opinion Poll by Communicate Research commissioned by LACS Oct 2005

²¹ Visit Scotland press release 27 March 2007

²² PE1124/B– SEBG written submission to Petition PE1124

²³ Kirkwood et al, *Report of the Independent Working Group on Snaring*, DEFRA2005

- Compression or injuries in muscles, nerves and joints associated with violent movements against restraint;
- Thirst, hunger and exposure when restrained for long periods;
- Inflammatory pain and pain from contusions associated with injuries during restraint, and in some cases persisting following escape;
- Pain and malaise associated with infections arising from injuries, in escapees;
- Neuropathic pain in those escapees that experience nerve injuries;
- Reduced ability of injured escapees to forage, move and hence survive;
- Stress of capture and handling before despatch by the snare operator;
- Pain and injury associated with killing by the snare operator if unconsciousness is not immediate.

We assume that when the BVA does formulate an official policy on snaring it will wish to reflect the views of its members. A survey, carried out this summer by written questionnaire distributed to recipients of the *Veterinary Times*, indicated that 75% of veterinary surgeons in Scotland would support an outright ban on snares. Our research also found that 69% of vets in Scotland believed that the regulation of snaring could not provide an acceptable level of protection for animals²⁴.

We also ask the Committee to note the recent report for the League Against Cruel Sports by William J Swann BVMS MRCVS, Senior Vice-Chairman of the Animal Welfare Science, Ethics and Law Veterinary Association. *Shooting and Fox Control in Scotland* calls on the Scottish Government properly to regulate the commercial shooting industry and recommends that *“the use of snares should be banned other than under licence for humanely conducted academic research”*.

The Scottish SPCA²⁵ survey in 2007 asked vets, wildlife crime officers and Scottish SPCA Inspectors for their professional opinion as to whether animals they had seen snared had suffered or not. 90% responded that they believed that the animals had suffered.

Out of 50 animals reported dead in snares in one year alone, suspected causes of death ranged from strangulation, septicaemia and drowning. Others had sustained injuries such as severe laceration of the area caught by the snare, in some cases so severe that humane destruction was required. Cats and dogs in particular sustained damage to their legs or paws sometimes resulting in amputation. Out of the 269 animals found caught in snares, 154 (57%) suffered injuries that proved to be fatal.

We reject the claim that snaring by “professionals” does not cause suffering. Firstly, there is no consistent professional practice in snaring. There have been many charges laid against “professional” gamekeepers including, most recently, the prosecution of the keeper on the Queen’s estate at Balmoral for snaring badgers. We cite also the deliberate snaring of more than 5,000 protected mountain hares in Scotland, as reported last year by gamekeepers making returns to the SNH²⁶ report on distribution of mountain hares. Mountain hares are protected under UK and European conservation legislation and it is not permitted to use an indiscriminate means to take or kill them, except under

²⁴ Advocates/League survey of Scottish vets, June 2008

²⁵ Snaring in Scotland: A Scottish SPCA Survey of Suffering, November 2007

²⁶ Commissioned Report No 278 *The Distribution of Mountain Hare (Lepus timidus) in Scotland (2006/07)*, Scottish Natural Heritage April 2008

licence - meaning that this widespread snaring was illegal and thus, we submit, entirely unprofessional.

Secondly, the continued reporting of accidental non-target captures undermines claims that these are avoided by best practice or professional expertise.

ENFORCEMENT

The ACPOS response states that, of the new control measures proposed by the Government, “there are none that cannot be policed by Scottish forces, particularly with the expertise of Wildlife Crime Officers”. We agree that there is significant expertise among Scotland’s cohort of wildlife crime officers, but the number of specialist officers remains very small. The Scottish Government commissioned Tomkins report²⁷ found institutional support for specialist wildlife officers and other police officers investigating wildlife crimes to be, at best, patchy. In some areas, as police officers commented in the report, there appeared to be a disregard for, or even undermining, of this work.

During the debate on wildlife crime on 22 May 2008, many Members of the Scottish Parliament commented that there was an insufficient number of WCOs in Scottish forces. Where snaring is concerned, the current status of enforcement is already hampered by the complexity of the law, and the regulations proposed by the Government will not reduce this problem. Enforcement would be much simpler with a complete ban.

The response from ACPOS refers to the public consultation on snaring, without acknowledging that this consultation produced a two-to-one majority in favour of an outright ban on snaring. The Government’s decision was demonstrably NOT “based on public consultation”.

AGRICULTURE

We note the opening of the NFUS submission: “Following a full consultation of our membership (it) is the view of NFU Scotland members that it is essential that the use of snares not be prohibited in Scotland; for farmers, snares are an important and necessary tool for controlling pests, including foxes and rabbits.”

We would like to see the evidence for this statement. In February, NFUS informed the Scottish Government that it had “no robust data on the extent of snaring in the agricultural sector”, and it would be valuable if the NFUS could share any data gathered since then, if this is available.

We are surprised by the assertion in the NFUS submission that “snaring, when carried out properly, is the most humane way of dealing with foxes.” This unsubstantiated statement is directly at odds with other authorities, such as the IWGS, quoted above.

²⁷ *Natural Justice: A Joint Thematic Inspection of the Arrangements in Scotland for Preventing, Investigating and Prosecuting Wildlife Crime*, HM Inspectorate of Constabulary for Scotland and the Inspectorate of Prosecution in Scotland, April 2008

The fox is not a pest on arable, dairy and beef farms. It is however the primary predator on small mammals such as rabbits and hares, which are also considered pests by some land users.

A five year study revealed that whilst up to 24% of lambs in the Highlands of Scotland may be lost through still-births, malnutrition and hypothermia, only around 1% are lost to foxes²⁸. A three year study of fox predation on lambs in Scotland found that leaving foxes in peace did not result in an increase in fox numbers or an increase in the already small number of lambs taken²⁹.

Fox population responds rapidly to local reduction in numbers/increase in territories, with an increase in birth rate³⁰. Thus in some areas, killing large numbers of foxes has even increased fox abundance the following spring³¹.

We note that the NFUS refers to the economic difficulties faced by pig farmers and the economic consequences of predation. We have never heard of predation on piglets as a significant burden on farmers. Most pigs in Scotland are reared indoors and unlikely to be accessible to predators. Where outdoor reared pigs are concerned, we are advised by one producer that the presence of the sow with her piglets is a strong deterrent to foxes.

Rabbits also have their place in the eco-system and, again, it needs to be asked whether any negative impact on human interests justifies a means of control that causes such immense suffering. Rabbit snares are usually set to kill, rather than restrain, and strangulation is not a humane way to kill any animal. Anyone who strangled a cat to death would be liable to be prosecuted under the legislation that protects domestic animals from cruelty.

Central Science Laboratory, an executive DEFRA agency, lists snaring as a form of rabbit control "not recommended". It states: "these methods are not considered to be particularly effective or humane and can result in other animals, including pets, being caught"³².

STATEMENT FROM THE MINISTER FOR ENVIRONMENT

We are grateful to the Minister for setting out the background to his decision to retain snares as a method of predator control. There are a number of issues in his letter that we believe need to be clarified and we will try to do so without too much repetition from previous sections of this paper.

²⁸ Hewson R and Leitch AF *Scavenging and predation upon sheep and lambs in West Scotland* Journal of Applied Ecology (1984) 21, 843-868

²⁹ Hewson R, *Predation upon lambs by foxes in the absence of control*, Department of Zoology, University of Aberdeen 1990

³⁰ Hartley, F.G., Follett, B.K., Harris, S., Hirst, D., and McNeilly, A.S. (1994) The endocrinology of gestation failure in foxes (*Vulpes vulpes*) *Journal of Reproduction and Fertility* 100 341-346

³¹ Baker, PJ & Harris, S. (2006) Does culling reduce fox (*Vulpes vulpes*) density in commercial forests in Wales, UK? *European Journal of Wildlife Research*, **52**, 99 - 108.

³² Page 6, Dendy, J.A. and Mckillop, I.G *Advice on Rabbit Management for Growers of Short Rotation Willow Coppice*, CSL 2000

Public consultation

It is our view that the public consultation was ignored by the Government in reaching its decision not to ban snares. Of the 247 responses to the consultation, 172 were in favour of a ban, while 71 were against a ban and four were in favour of further regulation by licensing.

The Minister mentions a number of meetings at both official and ministerial level which were held in the run-up to his decision. We cannot comment on access that was given to other organisations, but representatives of Advocates for Animals and the League Against Cruel Sports were invited to one meeting on 15 February. However, as we are now aware that the decision not to ban snaring had been made and communicated to the NFUS at least ten days before this meeting, we question whether it was possible for the Minister to consider our views at that stage.

The Minister also refers to correspondence received, some of it as part of the campaign to ban snares in Scotland (although not all of this was pro forma). The Committee will be interested to know that of 7,192 representations received by the Minister on the subject of snaring, 7,182 (99.9%) called on him to ban the practice.

Necessity of predator control and snaring as an option

The Minister says that he received evidence that predator control is vital to the shooting industry. As we have mentioned before, we believe that the shooting industry could adapt to functioning without snaring.

We disagree that snaring is the only viable option available to land managers in controlling predators. We do not understand why snaring is more practicable than shooting in areas where vehicular access is difficult, particularly given that snares must be inspected every 24 hours. We do agree that wounding and injury caused by shooting are serious concerns – but of course no-one should be shooting animals unless he is trained and competent with a gun to reduce the number of missed shots and wounding.

We feel that to justify snaring as *“one of the least bad options for predator control”* avoids confronting the serious welfare problems caused by these traps and the ethical issues raised as a consequence.

Regulation of snaring

The Minister refers to his proposals for further regulation of snaring, announced in February. He concludes that by implementing these proposals he will be able to ensure that all snare users exercise the same degree of care as scientists snaring animals for radio-tagging. This is simply not achievable or realistic in the day to day use of snares by land managers. In scientific studies snares are monitored either constantly or far more frequently than every 24 hours. In many cases the animal is released almost as soon as it is captured. In his report, William J Swann concludes: *“Consequently snares can only truly be used humanely in research conditions where they are subject to continuous surveillance and captured animals are rapidly euthanased or released”*.³³

While we disagree with the regulatory approach, we take the opportunity to observe that, over six months after the Minister’s announcement no steps have been taken to

³³ William J Swann, *Shooting and Fox Control in Scotland* July 2008

implement any of these regulations. We are not confident that, when these measures are introduced there will be adequate opportunity to ensure that animal welfare is taken into consideration.

Gamekeeping

We welcome the Minister's intention to broaden best practice in gamekeeping and drive out rogue operators. However, as we have stated before, we believe that the indiscriminate nature of snares makes it impossible to ensure that snares do not kill, injure and maim both target and non-target species.

The Minister believes "*that most professional gamekeepers ensure that their snares are checked at least once every day*". Unfortunately, we believe his confidence is misplaced. As discussed earlier, there is considerable evidence of gamekeepers who have been involved with illegal or 'bad practice' snaring, including many cases which have made the headlines.

Fox predation

On the issue of fox predation on game birds the Minister quotes from the Burns Inquiry stating: "*This concludes that there is strong evidence that fox predation has a significant impact on wild game populations, but less so for other ground nesting birds.*" However, as discussed earlier, it does not necessarily follow that lethal predator control is the solution to any problem of this predation, and certainly not snaring. A long-term study of grouse moors in Scotland, published in 2000, found that predation on grouse by foxes and raptors only became really significant if the grouse population was already in decline.³⁴ There are many causes of falling grouse numbers, including failures in habitat management, disease and the weather.

Fox culling by farmers is justified by a belief that farmers fear the impact if fox numbers were allowed to increase. However, studies released in September 2002 showed that predation by foxes on lambs and other livestock is low and, in some circumstances, can be reduced by better husbandry or fencing.³⁵ The results of this report included data from two hill farms in Scotland which monitored 4,000 lambs over four years. Fox predation accounted for a maximum loss of 1.8% and led the authors to conclude: "*...fox predation is a relatively unimportant cause of death among lambs in the UK*". This conclusion was also supported by the Burns Inquiry which stated: "*It is clear that only a small proportion of foxes kill lambs, otherwise lamb losses would be much higher.*"³⁶

Non-target captures

With regard to the capture of non-target species the Minister believes there is no system which can guarantee that non-target species will never be caught in a snare. That is precisely our point. The rate of non-target animals being caught, including protected and endangered species, is simply too high to justify the continued use of snares. The Minister's reference to the capture on non-target species as "unfortunate" is a vast understatement and disregards the impact of non-target capture by snares, discussed previously in this paper.

³⁴ Report of the UK Raptor Working Group (2000) DETR, JNCC. 39-41

³⁵ Baker, P.J., Harris, S and Webbon, C.C Nature, Volume 419.34 September 2002

³⁶ Burns Report, par 5.15

Finally, we accept that the Minister did not take his decision lightly. Nonetheless we continue to hold the view that it was the wrong decision and that only an outright ban on snares can free Scotland from this affront to modern animal welfare precepts. In this we are supported by over 9,000 petitioners.

CONCLUSION

Our Petition now stands at over 9,000 signatures and reflects the views of 75% of people in Scotland as indicated in an independent opinion poll³⁷. The Petition raises issues of significant technical and ethical complexity on a matter of public interest. We ask the Public Petitions to keep the Petition before the Scottish Parliament to allow Members the opportunity of discussing and expressing their own views on these issues.

Louise Robertson
Libby Anderson

On behalf of League Against Cruel Sports, Advocates for Animals, Hare Preservation Trust, Hessilhead Wildlife Rescue, International Otter Survival Fund and Scottish Badgers

³⁷ Scottish Opinion Poll by CommunicateResearch commissioned by LACS February 2007

Wild Cat killed by snare

