

Petitioner submission of 3 April 2023

PE1859/LL: Retain falconers' rights to practise upland falconry in Scotland

In response to multi agency submissions.

How would a falconer decide what is the 'area' a hare was killed by a bird of prey following its instinct and showing behaviour natural to the species? Grid reference, 1 yard circumference, 100 yard circumference, 1 mile circumference? This is unenforceable. An eagle at 2000' of altitude will take game at anything up to perhaps 2 miles away. For this reason, upland falconers 'rent' tracts of land of enormous size, perhaps a minimum of 6000 acres. If hawk takes a hare on this estate, would this be it? No more hawking on that entire estate? There seems to be a continued total lack of understanding of the nature of upland falconry and comparing it with the by comparison infinitesimally small areas affected by snaring just proves that unfortunately, the Police standpoint is unworkable within the discipline of upland falconry.

The Police, NatureScot AND ministers' description of an idea that falconers should fly where hares are absent is unbelievably naive and in fact contradicts the government's own earlier advice and any suggestion that the legislation is based on conservation.

The government has already submitted to the committee a map showing the areas that mountain hares inhabit and that we are advised to avoid. We now see NatureScot contradicting the mapped information listing areas where they do not in fact occur. It's clear that NatureScot and government are at odds about where hares live and by default therefore, how many there are.

Leaving aside that falconers now don't know what advice to follow - nor indeed could Police considering a prosecution, but we also have to ask what range of figures ministers actually believe. Likely it is that they will use whatever figures suit their argument on the day!

I have enjoyed a relationship with an estate within 2 hours of me in Fife and I rent this land for around 6 weeks of the winter in two week blocks. It is vast, remote and safe. Now, if I catch a hare there, is this land lost to me? I could rent the land next door, but does this count as the 'same area'? How do I explain to my eagle that I now need to spend an

inordinate amount of time looking for safe mountain land, with no hares, where the landowner is willing to host me, and is within range of what is practical to travel to fly over, has safe accommodation for my birds that the land owner is happy for me to utilise AND a cottage to rent for us. Believe me, having those stars align is a rare occurrence and all the while I have to accept that if I catch a hare there, I can't go back anyway.

I would also like to make very clear that in my 27 winters of flying over my regular estate, the hare population has continued a trend of significantly increasing population.

The mountains of the west and north of the Great Glen as have been suggested as suitable for us, are inaccessible, dangerous (this is climbing territory with no suitable access for a falconer). They are too far away (I dread to think of the impact on our carbon footprint) Even suggesting the Uists for a Fife resident - really? Would you legislate that a member of the public should drive 7 1/2 hours and take a ferry or two to let their cat out so it can show natural behaviour but not kill a protected species? Seriously, I must respectfully ask the agencies advising and legislating to really think long and hard about what they suggest because currently they look foolish and are opening a massive can of worms for cat owners!

While we talk about the difference between exercise and hunting, can we please be clear that the word Falconry means, 'The hunting of wild prey, in its natural state, using a trained bird of prey'. Birds of prey are predators and obligate carnivores. Hunting is their instinct and their natural behaviour. All agencies contributing to the idea that we just have to go where there are no hares are losing sight of the imperative that we follow the 5 freedoms for captive animals including 'Opportunity to show behaviour natural to the species'. Have we become such a ridiculous society that we can no longer cope with the behaviour of predators? Not artificial and man-made domestic species, but naturally occurring predators.

Jeff Watson's book on Golden Eagles has been referred to by NatureScot, quoting the fact that in the east where there is a burgeoning hare population, mountain hares are a huge part of the eagles' diet. Correct, and now we try to deny this quarry to captive examples flying over them - even though these areas can be granted licences to kill hares en-mass. NatureScot mentions that other food is taken by eagles living in the west. What is avoided is mention of what that food is. Dead sheep, dead deer, deer gralloch etc. We are being asked to go and fly

where our eagles will be very likely to drop in to eat rotting, decaying and bacteria ridden carcasses. The lack of transparency and consideration is staggering. For reference, I must be clear that this is a real risk. In 2006 I had a beautiful, rare and valuable eagle die after eating from a deer gralloch. Flying over land further north and west increases this risk, as does flying over land not known to us.

I further repeat an earlier point. We are often reminded that we can fly for example under licence for pest control (the hare valued so highly that is offered blanket protection, but reduced to the status of pest!) around woodland. Fences around woodlands kill eagles. Within these areas, schedule 5 protected species such as pine marten and red squirrels live. We could fly there legally to control 'pest' hares, but the bird takes a red squirrel. Following the Police advice, do I now have to report this to them and avoid flying there again? After all, Red squirrels are also on Schedule 5, but we are told to go and fly where they live so that we avoid huge populations of hares on the open hill. It's ludicrous, contradictory and counter to any conservation initiative. We already avoid these areas for safety and because those very species live there! Additionally, following Police advice, if a trained raptor (not an eagle, we can't fly in woodland) killed perhaps a red squirrel in these woods while operating pest control on hares, we would have to report it to the Police - the squirrel isn't on the licence for pest control. This action would by default mean that we can no longer fly in this area because a schedule 5 species has been taken!

If we fly in an area where hares are at very low density, we are unlikely to be prosecuted if we catch a hare. This legislation is supposed to be based on conservation, but this single statement proves that this is a cynical piece of political manoeuvring, reputation building and has no foundation in conservation. If we take a hare in an area of low density, we would be actively limiting the expansion of the species both in terms of range and number. We avoid these areas because we, like everyone, want to see the species spread, so we fly in areas where their density is super high. Our eagles and hawks can show natural behaviour and our impact on the numbers is immeasurably small. This is not just flawed legislation, it is counter productive. If it is the government's intention to protect hares as it claims, and it is NOT government's intention to make falconry illegal (the minister has assured us on record that they do not want to ban any form of falconry), then we should be being told to ONLY fly where hare numbers and density are high!

Continuing on the ministers submission, I would like the committee to be sure they are not influenced by the comment 'there are no other species listed in schedule 5 that can be taken for recreational purposes'. There are 89 species on Schedule 5. Most are insects, a few are fish or molluscs, and a few reptiles. There are 4 mammals. The Pine Marten, the Red Squirrel the Water Vole, and the Mountain Hare. Of these, only the Mountain Hare has been given a listing as a pest allowing licences to be issued to kill them. This quote by ministers amounts to little more than a smokescreen, or even obfuscation. Only the mountain hare lives on the mountains we fly over and is a quarry for falconers.

We must additionally not be bluffed or pacified by the repeats that falconry can be used where licences are issued to landowners to cull hares to protect crops or habitat. While falconry may be permitted, there are three problems. First, falconers don't know who the licences are issued to and privacy laws prevent this information from being shared. Second, a short visit or stay on an estate to catch some hares will not satisfy the exercise and enrichment requirements for an eagle across a full winter season. Thirdly, an estate will not realistically requisition the services of a falconer to deal with a problem hare population. In the time a falconer can catch one hare, a keeper with a gun could realistically shoot 30. It is ineffective, impractical, uneconomic and unworkable. It is exasperating that this is even suggested.

Film work for documentaries etc is a big part of our winter income. Nature Scot suggests that this would be a licensable activity but continues to fail to understand the wider issue. If an eagle or hawk is to be expected to fly 'as wild', flying in incredibly harsh conditions, evaluating the lift, assessing the quarry and staying aloft for many hours in the gale and then successfully take quarry, it must, like its wild counterpart, be absolutely at the top of its fitness and ability potential. This requires constant exercise and exposure to quarry., If this can't happen, they will NEVER be in condition to make a quality film. To suggest otherwise is akin to asking an athlete to take two years out of training and do no more than have a gentle walk around the park, but then expect them to compete and win at world class level in the marathon with a sprint finish!

Finally, I am aghast at the ministers final comment reminding me that because one of our eagles has not flown free for two years I could be guilty of a welfare concern. I am disgusted by her cynical comment on one hand, but saddened on the other that she cannot see that this eagle, like dozens of other trained raptors has been grounded since February

28th 2021, singularly because of her illegally passed and utterly failed legislation that I have had to adhere to in a bid to avoid a W&CA offence that could see my right to keep and fly birds of prey taken away from me. If there is a welfare charge to be made, it should be aimed at the minister by every upland falconer in the nation.

I would also respectfully point out that she should check her legislation, it was passed in 2021, not 2020 as stated.