

Petitioner submission of 1 April 2022

PE1859/Y - Retain falconers rights to practice upland falconry in Scotland

The Scottish Government submission PE1859/W entirely fails to answer the questions presented.

The mapped area provided by Government from the JNCC report contradicts the government's own claims on the scarcity of mountain hares by showing their massive range covering approximately 97.5% of Scotland. It also suggests that where hares live, falconers should not fly their birds for fear of prosecution. Following the mapped hare range, birds of prey can now only be flown over Aberdeen and the surrounding coast and town, the extreme ends of a few islands, and along the M8. I hope the committee will join me in dismissing the suggestion that my eagle should be flown perhaps in the car park at Harthill services or on an oil rig repair yard in Aberdeen rather than at the top of a mountain, and that it is so far away from an intelligent, practical response that it should be dismissed with total and utter disdain.

Activities that government must now also police to prevent the unnecessary killing of hares and prosecute the 'guilty' are;

- Cats being allowed to roam outdoors.
- Dogs being allowed to run off lead.
- Any driving of vehicles.
 - This is not a flippant comment. Travelling to Mar Lodge to film for BBC Winterwatch, between Glenshee and Mar lodge, we picked up 41 hares that had been killed by cars on the road. Around 5 hours later on our return, we picked up another 27 hares killed since our outbound journey. Vehicles killed more hares on one 20 mile section of A93 in 5 hours than our birds of prey take in an average year.

In spring and summer, baby hares hide stationary in cover to avoid predators which is how they view an off-road vehicle. They don't try to run, so they are killed. Therefore, government must now stop any working practices that require SUV's to travel off road. These include:

- Energy infrastructure maintenance or installation engineers. (Electricity cables, pylons, wind turbines, hydro electricity, gas pipeline, phone/broadband cabling etc etc.)
- Gamekeepers from accessing the hills or fields in an ATV to control deer.
- Wardens in country parks, national parks and wildlife conservation/monitoring areas.
- Any skiing in Scotland's ski centres.

This list could be vast, but I will stop and allow you to imagine the range of consequences of this unworkable and unenforceable suggestion of a 'No fly zone' from government.

Beyond this, other work of falconers and falconry businesses that would now leave them exposed to prosecution if their birds follow instinct in the mapped area are;

- Flying demonstrations at events such as RHS and through to village galas.
- Educational school talks and demonstrations – a new mindset to prevent raptor persecution will be gained only through education.
- Pest Control.
- Filming with birds of prey – an extensive and important revenue stream from Blue Chip productions for NatGeo' to Winterwatch and other educational shows.
- Raptor 'ring deliveries' (and demonstrations) at weddings at castles and country hotels.
- Birds of prey experience days which are provided at falconry centre venues, and at castles, hotels, country estates and venues across the entire country. Personally, this alone would cost us 325 days work a year and remove 2 staff from our workforce.
- *Rehabilitation of wild injured birds of prey using falconry techniques.*

These points must be taken seriously. Birds of prey and owls are evolved instinctive predators, they are not domesticated. They are obligate carnivores. If you are flying one in a show or for film etc, while they are focused on the falconer, if natural quarry shows, the predator will react. It is natural, instinctive and government does not have the right to try to legislate over instinct. To do so is arrogance.

Furthermore,

In the Peak District National Park, a new method of counting mountain hares (Dr Hesford, who has a PhD in community ecology from Queen's University, Belfast) has been developed, leaning on the mountain hares natural nocturnal activity pattern rather than daylight making counts naturally far more accurate.

The Peak District is an excellent location for the count because;

- 1/ there are recent counts reported using the same methods as have been used in Scotland (from which the data was drawn from for the Scottish Government's decision on legislation affecting hares) which can be used for comparison.
- 2/ the Scottish legislation surrounding hares has not been introduced in England, thus, no element of the data will be doubted due to the introduction of species protection.

As suspected, the data shows that old counting methods are intrinsically flawed and that the data they produce should be dismissed. The new, more realistic and accurate counting method suggests that hare populations are between 2 and 6 times greater than that which have been previously reported.

I suspect the government did not intend to create a problem for falconry and tourism with their legislation and that falconry is a bycatch. I further suspect the government did not foresee the myriad of issues that the poorly considered legislation would cause.

The entire list of issues is resolved with the granting of our request that the legislation be amended with the line as appears elsewhere in the W&C Act 'Except for the purpose of falconry'.