

# Wild Animal Welfare Committee

Scottish Charity Number SC045958

## **RAINE Committee workstream on animal welfare: WAWC briefing on wild animal welfare**

### **Introduction**

The Wild Animal Welfare Committee (WAWC) is an independent expert committee registered as a Scottish Charitable Incorporated Organisation (SCIO) and working on relevant issues across the UK.

WAWC aims to advance animal welfare by:

- Providing an independent evidence base for evaluating, monitoring, assessing and improving decisions affecting the welfare of free-living wild animals in the UK;
- Increasing awareness of the importance and value of wild animals in general;
- Promoting the welfare of individual wild animals in particular;
- Highlighting harm to, and suffering of, wild animals caused by human activity, with the aim of reducing these negative impacts.

In furtherance of these aims, the WAWC:

- Disseminates objective information on a range of wild animal welfare topics;
- Commissions and publishes independent reports, statements and other contributions on contemporary wild animal welfare issues of public and political concern;
- Works to promote the awareness and improvement of wild animal welfare;
- Engages with organisations that can contribute to its evidence base.

The WAWC works closely with the Scottish Animal Welfare Commission (SAWC) and there is an informal understanding that the WAWC will support the SAWC with advice on wild animal welfare issues. The WAWC has provided the Commission with advice on defining wild animal welfare and is now engaged in a longer-term project around wild animal welfare assessment models, including an international online conference on wild animal welfare in April this year.

### **RAINE Committee workstream on animal welfare**

The WAWC welcomes the Committee's attention to animal welfare priorities for the coming session of the Scottish Parliament and wishes to submit the following topics and views for consideration. Wild animals are sentient individuals, just as domesticated animals are, but enjoy significantly less welfare protection under current legislation.

### **Ethical principles for wildlife management**

While many wildlife welfare issues arise from direct human management of wild animals, they can also be indirect, for example, bird strikes on buildings, habitat change, marine noise and road traffic accidents. The WAWC focuses to a large extent on the [International Consensus Principles for Ethical Wildlife Control](#) ("the ethical principles") and how these apply to wildlife management scenarios such as deer culling, badger culling, predator control on sporting estates. The ethical principles set out a pragmatic framework for those undertaking wildlife management, whether lethal control or non-lethal interventions such as translocation or

identification for conservation purposes. They are particularly apposite in cases of human-wildlife conflict.

In summary, the ethical principles state that efforts to control wildlife should:

- begin wherever possible by altering the human practices that cause human–wildlife conflict and by developing a culture of coexistence;
- be justified by evidence that significant harms are being caused to people, property, livelihoods, ecosystems, and/or other animals;
- have measurable outcome-based objectives that are clear, achievable, monitored, and adaptive;
- predictably minimise animal welfare harms and confine to the fewest number of animals;
- be informed by community values as well as scientific, technical, and practical information;
- be integrated into plans for systematic long-term management; and
- be based on the specifics of the situation rather than negative labels (e.g. pest, overabundant) applied to the target species.

The [Programme for Government 2019-2020](#) announced that the Scottish Government intended to develop “a strategic approach to wildlife management that puts animal welfare at the centre while protecting public health and economic and conservation considerations”, with the publication of a set of principles planned for the following year. The WAWC understands that work on these principles is currently under way and recommends that they should incorporate the above ethical principles in their entirety. Indeed, we believe that given the wide acceptance of those principles noted above, it could be unhelpful and potentially confusing for a different set of principles to be promoted. Since there are many opportunities for potentially negative welfare impacts on wildlife species due to a wide range of human activities (some of which we refer to specifically below) and the numerous existing legislative requirements and current practice guidance, we believe that a more strategic, over-arching review and the development of a framework for our interaction with wildlife in Scotland is overdue. Such a framework, capitalising on the opportunity that the recognition of animal sentience brings, would be hugely valuable and represent a significant and potentially world-leading opportunity.

### **Current wildlife welfare issues in Scotland**

While the [Programme for Government 2021-2022](#) contained welcome commitments intended to improve animal welfare for domestic, farm and terrestrial wild animals in some circumstances, it omitted a number of current wild animal welfare issues. As indicated above, wildlife management is an area where greater attention needs to be paid to the welfare of the sentient individual.

Traps and snares: Of particular concern to the WAWC is the widespread use of traps and snares to capture and kill wild animals in Scotland.

Our position on lethal traps for terrestrial mammals is set out in full in our [Position Paper No. 1](#). In summary, the WAWC believes that lethal traps, including both regulated and unregulated<sup>1</sup>

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<sup>1</sup> Break-back traps for use with rats and mice and all mole traps are exempt from the welfare approval process required for other spring traps under the Spring Traps Approval (Scotland) Order 2011 (as amended by the Spring Traps Approval (Scotland) Amendment Order 2018 and the Spring Traps Approval (Scotland) Amendment Order 2020). Such traps are not required to undergo humaneness testing but are widely available and widely used.

spring traps, have the potential to cause significant harm to animals and should only be used in accordance with an ethical framework. In particular, it is desirable that alternatives such as changes in human behaviour and interventions that minimise animal harms have been tried and exhausted before deploying lethal means. Lethal traps should be capable of rendering target animals instantaneously and irreversibly unconscious and be designed to capture only the target species.

Poorly designed traps and poorly deployed traps represent a substantial risk to animal welfare since they are unlikely to cause instantaneous and irreversible unconsciousness. In addition, poorly designed and/or deployed lethal traps can result in unnecessary harm and suffering to non-target species. There is evidence that some types are unlikely to cause rapid death no matter how well they are deployed, while traps that capture females with dependent young are likely to cause additional deaths in neonates and juveniles.

Non-lethal traps are intended to capture and restrain target animals until the operator attends and kills the animal. In the area of wildlife management, these include snares, corvid cage traps and rat or mouse glue traps.

Snares are more strictly regulated in Scotland than in other parts of the UK, with a review of the impact of the legislation (section 11 of the Wildlife and Countryside Act 1981, as amended by the Wildlife and Natural Environment (Scotland) Act 2011) required every five years. One such review is due this year. Given the inherently inhumane and indiscriminate nature of these traps, these measures are welcome, but the WAWC view is that the use of snares should simply be prohibited due to the severe suffering that they are known to cause.

In the field of domestic and commercial rodent control, glue traps have been the subject of considerable discussion. There is no doubt that these traps cause suffering to both target and non-target animals and the development of suitable alternatives is urgently required. The WAWC notes and supports the conclusion of the [SAWC report on the use of rodent glue traps in Scotland](#) that it is difficult to justify the use of glue traps, except possibly in settings with a significantly high risk to public health, such as hospitals. In such cases, in order to minimise the time during which animals are trapped in glue, traps should be checked very frequently or, ideally, to avoid disturbance, monitored using video surveillance. Even in those settings the Commission did not support the continued use of glue traps, given the very high likelihood of animal suffering, and neither does the WAWC.

Ideally, rodent problems should be avoided by preventing population establishment in the first place. Where lethal management is necessary, welfare impacts may be minimised by prioritising use of good quality snap traps, and then cage traps with effectively applied concussive killing, before considering rodenticides (e.g. anticoagulants or cholecalciferol) or glue traps with concussive killing. However, anticoagulant rodenticides are markedly inhumane and glue traps risk being used without consistent provision of prompt, low welfare impact destruction by concussion. The use of either of these must be a genuine last resort and the development of alternatives must be a priority for industry and authorities alike.

Marine mammals: The welfare of seals, dolphins, porpoises and whales is adversely affected by marine animal entanglements, harmful noise pollution and incidents of intentional or unintentional harassment. The WAWC is aware that the Scottish Entanglement Alliance will

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shortly publish the results of a two-year project, funded by the European Maritime and Fisheries Fund. 159 creel fishers were interviewed and 146 marine animal entanglements involving at least 12 different species were reported as having taken place between 2008-2018. Over 70% of recorded entangled individuals were found dead in fishing gear. Fishers reported that concern for animal welfare was more important than financial costs and most were willing to make changes provided there was no financial burden. We hope that this information will point the way to technical solutions in the Scottish fleet to prevent entanglements.

Commercial boat-based marine wildlife watching is increasing in Scottish waters. Scotland has an incredible variety of protected marine species and maintaining a well-run wildlife watching industry is important for the economy, as well as for marine species welfare. There is currently no oversight of the industry and no record of the number or location of vessels operating. Overload is a concern in the Moray Firth, with too many boats offering too many trips for encounters with the small, protected local population of bottlenose dolphins, and there are similar concerns in other regions of Scotland for other protected marine species. The existing law does not allow caps to be put in place where the industry is at capacity and whilst most operators are responsible and WiSe<sup>2</sup> trained, the law does not prevent harassment of individuals where operators are not considerate of the wildlife being targeted. Experts on management of the commercial marine wildlife watching industry have advocated licensing to provide necessary oversight of the size and growth of the industry, to enable conditions for appropriate training to skippers to understand and prevent harassment and to allow potential impacts to be monitored and prevented.

Licensing of grouse moors: The WAWC welcomes the Scottish Government's commitment to license grouse shooting in line with the recommendations of the Grouse Moor Management Review Group ([the Werritty report](#)). While animal welfare was not part of the review group's terms of reference, welfare is directly impacted by activities connected with grouse shooting and predator control in particular. We note and support the group's recommendation that users of traps should be required to undergo regular training and to attach identification tags to their traps, as is already the case for snares. In its [response to the report](#), the Scottish Government stated that it would amend the legislation to strengthen the use and monitoring of traps as part of its work to develop a licensing regime for grouse moor management and we hope to see this implemented as soon as possible.

Killing and taking of wild birds: The WAWC welcomes the increased acknowledgment of welfare issues in general licences for the killing and taking of wild birds published by Scottish Natural Heritage/NatureScot over recent years. Nonetheless the WAWC believes that the repeated killing of members of the same species in the same location, year after year, is neither ethical nor sustainable. WAWC advocates applying an ethical framework, as described above, to any decisions governing intervention against wildlife. This would ensure that welfare considerations are central to the formulation of future general licences.

As things stand, the WAWC's 2019 [review of the killing and taking of birds under the Wildlife and Countryside Act 1981](#) found little or no evidence that the welfare of birds trapped or shot under general licence is protected. There is no requirement to avoid shooting or trapping and killing birds during the breeding seasons of the listed species meaning that dependent young, either in the nest or as recent fledglings, will starve to death. Although traps must be registered

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<sup>2</sup> <https://www.wisescheme.org/>

with the police, there is no requirement for recording and reporting of birds trapped and killed, making impossible any form of official monitoring or public scrutiny of trapping in Scotland.

In particular, the WAWC believes that stricter measures should be in place to ensure that shooters are competent in shooting birds humanely (causing rapid and irreversible loss of consciousness) and that they ensure that wounded birds are picked up and humanely despatched without delay. There is currently a general lack of regulation of these and other welfare-related matters. Indeed, there is no competence requirement for the recreational shooting of grouse, pheasants and partridges, or for the killing of foxes and rabbits with shotguns. The WAWC believes there should be mandatory competence for shooters of all species in all circumstances.

Finally, the design and operation of Larsen and similar traps does not take account of the behavioural needs of the main species that are used as decoys or of the target species (primarily corvids). Corvids are highly intelligent birds and their close confinement in Larsen traps, handling of birds and forced containment with other birds in larger communal cage traps, is likely to be highly stressful. The WAWC recommends that Larsen traps be withdrawn from general use.

Fox control: The WAWC looks forward to the introduction of legislation to improve the Protection of Wild Mammals (Scotland) Act 2002. In our [response to the Scottish Government consultation](#) in 2018, we supported all of the practical recommendations made by Lord Bonyon in his report and we expect to see these taken forward. In addition, we see it as essential to strengthen the legislation so that it effectively prevents the killing or injuring of foxes by dogs, be they hounds, terriers or other breeds.

The WAWC welcomes the Scottish Government's latest [consultation](#) on the use of dogs to control foxes and other wild mammals and its intention of limiting to two the number of dogs used to flush wild mammals from cover. A reduction in the number of dogs will reduce the possibility of direct physical injury and the likelihood of a chase. There should also be a requirement that the number of guns present is sufficient to ensure that foxes emerging from cover can be shot instantly. We also support the Scottish Government's intention to ban trail hunting in Scotland, as this can frequently provide a pretext for the use of a pack to pursue and kill foxes, supposedly by "accident". We note that a number of landowners in England, including the National Trust, are considering prohibiting trail hunting on their property. We remain cautious over the proposal to consider a licensing scheme for the use of more than two dogs in certain circumstances and we question whether setting any arbitrary number can achieve the purpose of protecting wild animal welfare. Finally, we deprecate the references in the consultation to "pest species". This is an outmoded use of terminology that tends to foster negative views of a species, rather than an understanding of its needs and role in the ecosystem. We accept of course that certain species come into conflict with human interests, leading to control, but decisions on these matters should be based on objective assessment and eschew value-laden language.

Regrettably, Lord Bonyon's remit excluded wider consideration of whether predator control is necessary to protect livestock or wildlife. The routine killing of predators and other wildlife does not comply with the ethical principles mentioned earlier and may be incompatible with conservation, the maintenance of biodiversity and animal welfare; it may also not be the most effective way of protecting livestock and other wildlife. These issues should be reviewed as

soon as possible. The pending fox control legislation and the proposed strategic approach to wildlife management both offer opportunities to examine these matters.

Deer management: The [report of the Deer Working Group on the Management of Wild Deer in Scotland](#) was published in January 2020. The Working Group made 99 recommendations and the [Scottish Government responded to these](#) in February 2021, following input from SAWC and others. The report and the subsequent response were not developed from an animal welfare perspective, although several recommendations do have implications for the welfare of deer, including, especially, the need to develop a better definition of welfare as it applies to deer, along with appropriate metrics. This would allow a better understanding of welfare implications when management decisions are made. Amongst the main welfare concerns regarding deer are injuries caused by inaccurate shooting, winter mortality (primarily of deer in poor condition on the open hill) and the orphaning of calves. All areas are seeing an increase in the number of fatal and non-fatal road traffic accidents involving deer, including more frequently in urban areas as deer numbers increase. Given the breeding success of deer and their enhanced survival as the climate warms, numbers are increasing, and this may have direct welfare implications in terms of habitat and food availability. While it is recognised that control may be needed, this should be considered against the backdrop of a suitable ethical framework driven by welfare needs and delivered by competent practitioners operating under a modern regulatory system. It would be timely to develop this in the context of the programme for increased tree cover in Scotland, since this could be an area of significant habitat conflict for deer.

Beavers: While the Scottish Government's decision to recognise the Eurasian beaver as a European Protected Species in 2018 was welcome and necessary in order to end unregulated and out of season shooting of these animals, there has been considerable concern over the subsequent policies of NatureScot in derogating from the Habitats Directive and issuing licences for their destruction.

The WAWC welcomes the recent judgment in the Outer House of the Court of Session stating that NatureScot had not observed the requirement to give reasons in all of its derogation decisions. Those reasons must include an assessment of the conservation status of the species in question and must explain why there is no satisfactory alternative measure which is not a derogation. The WAWC believes that this clarification will promote a desirable increase in the use of *in situ* mitigations and a reduction in demand for licences to kill beavers. WAWC recommends that NatureScot commission independent research to investigate, assess and rank alternative interventions for their impact on the welfare of the animals, to avoid unintended negative consequences.

Rewilding: There is currently considerable public and NGO interest in the desire to restore/recreate damaged habitats and undertake species conservation. This may be accomplished by methods ranging from simply withdrawing active management, and letting nature take its course, to proactive landscape management, including the translocation of plants and animals. WAWC has produced a [Topic Paper on animal reintroductions](#) focussing on animal welfare aspects and the need to consider the potential impacts on both the introduced animals and resident populations. When reintroductions form part of rewilding or conservation activities, it is not clear who is responsible for safeguarding the welfare interests of the animals concerned, since conservation is often the priority. It is encouraging to see that recently there has been an increased focus on conservation and welfare together.

**Further information**

We hope that this summary of current wildlife welfare topics is of use to the Committee. Members of the WAWC will be pleased to assist with future discussion of these or other relevant topics.

**Wild Animal Welfare Committee**

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2 November 2021