

**Assynt Crofters' Trust**  
**North Assynt Estate, Stoer, Sutherland IV27 4JE**

An Open Letter to the Board of SNH

26<sup>th</sup> July 2017

Dear SNH Board Members,

On June 29<sup>th</sup>, you decided to support the paper which will see all the members of the Assynt Peninsula Deer Management Sub-Group (APSG) issued with a Section 7 'voluntary' agreement and, then, with a Section 8 Control Order. If any proprietor fails to do what SNH wishes them to do, they will be liable for a fine of £40,000. Furthermore, SNH will have the right to send in their contractors to achieve their objective and charge the proprietor for the expenses incurred. If this happens, it will be the first time a Section 8 Control Order has been used. Scottish legal history in the making!

The first thing that I wish to say is that I cannot blame you for coming to that decision - given the information provided to you by your officials I might well have done the same. And it was obvious in the discussions with some of you after the meeting that you felt there was a part of the story that you had not been told – you felt you needed more context. But, at the same time, the 'Assynt' issue had been dragging on for so many years that you felt that something had to be done. And, coincidentally, on the morning of your Board meeting, Roseanna Cunningham, the Environment Secretary, issued a press release urging you to 'take a tougher approach to dealing with non-cooperative landowners'.

But, as we are all aware, if something gets repeated often enough, it can become accepted as truth, whether or not that is the case. As Daniel Kahneman puts it – 'Familiarity is not easily distinguished from truth.'

Here are five less familiar truths for you, as a Board, to consider.

1. Despite the Assynt Crofters' Trust being willing from the start to work with SNH to protect the Ardvar Woods, SNH officials have long seen Assynt as a possible test case for introducing a Section 8. This is what an SNH official wrote to a Scottish Government official in May 2014 -

*We no longer think that imposing a Section 8 on two estates that are now willing to fence and one that is an NGO committed to protecting their woodlands would send out a helpful message. We also think that there is a high risk that JMT would challenge such an order.*

*Instead, **the bigger prize here is to test the use of legislation** for a fuller range of public benefits across the wider Assynt sub-group area, using compulsion selectively where individual estates either fail to engage or implement the plan.*

(Obtained through FOI, my emphasis)

2. You were led to believe that there was a deer herd in Assynt that was confined to the Assynt Peninsula and was growing in size. Your officials did not alert you to the implications of the helicopter counts they conducted. The 4 most recent helicopter counts of deer on the Assynt Peninsula were undertaken by SNH in January 2011 (total deer counted = 1383), March 2013 (1419), November 2014 (881) and March 2016 (1806).

Obviously, if you count in late winter you get a much higher number than if you count in November. Why? Again it's obvious to anyone who lives here. When the weather is hard, many animals move west from the high ground of Glas Bheinn across the A894 and round the slopes of Quinag to the more sheltered and low-lying Ardvar Woodland area. Generations of crofters and shepherds will attest to the fact that sheep from Stronchrubie & Inchnadamph were frequently to be found in the area of Ardvar given certain weather conditions. This is local knowledge. We think the November count reflected the true size of the Assynt Peninsula deer herd - the animals that are hefted on to the land here. We do not dispute any of the helicopter counts but it is clear that your officials have tried to airbrush the November count out of existence. They have tried to say that 500+ deer were missed by the helicopters because of bad light or tree cover. (Tree cover in North-west Sutherland in November?) And this in spite of their own Report stating in its Conclusion - *'The count was carried out to a high level of accuracy and considered to be a success.....The weather provided good conditions for counting.'*

3. Your officials tell you that it is 'industry best practice' to use only the most recent count (i.e. March 2016) as a basis for culling deer. They have criticised the APSG for being cautious and taking an average of the 2011, 2013 and 2016 counts. But, when the previous Chair of the APSG used the then up-to-date November 14 count figures as the basis for *her* deer population model, SNH refused to accept it (because, of course, it was too low for their purposes). Industry best practice, but only when it suits SNH.
4. In the Ardvar Woodland area, there is an SSSI – an upland birch wood which has seen considerable regeneration – and an SAC – an upland oak wood which is in 'unfavourable condition' according to SNH officials. It is not at all clear, however, that there actually **is** an oak wood at Ardvar. There is a birch wood with a small handful of oak trees but nothing that would fit any of the available definitions of an upland oak wood. SNH's own habitat survey, published only this month, identifies a grand total of 3 oak seedlings out of 8800 sampled, a tiny fraction of one percent. This is what you might see in a birch wood, not an oak wood. Coincidentally, the writers of the Biodiversity Action Plan state that upland birch woods can be very easily mistaken for upland oak woods – the only difference being that there are 'few or no oak', When SNH's Senior Woodland Advisor was challenged on the SAC designation at Ardvar, he said –

*'It has pretty much what you'd expect from an upland oak wood except for the oak. Like chicken-flavoured crisps, you don't need to have any chicken.'*

In other words, it seems to be an oak wood simply because your officials say it's an oak wood.

5. You were told in the Paper presented to you at the Board meeting that 'a relatively minor sustained reduction in browsing pressure' would result in the environmental changes required. Your woodland advisors, however, later confirmed that the deer population might have to be considerably reduced – from 7.5 deer per square km to 2.5 deer per square km. This would effectively end deer stalking on the Assynt Peninsula. What may appear 'relatively minor' to a salaried, pensioned SNH official sitting behind a desk in Inverness would be economically devastating for a fragile economy such as that of Assynt.

When I attended your June 29<sup>th</sup> Board meeting, you were kind enough to 'bend' your constitutional rules to allow me to address you. I told you that the Assynt Crofters' Trust would not sign a Section 7 agreement with SNH because we do not believe such agreements are 'voluntary' but that we were willing (as we have been throughout this sorry saga) to reach an agreement which did not adversely affect the people who live in Assynt.

That remains the case.

Yours,

Ray Mackay

Vice Chair,

Assynt Crofters' Trust

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