



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Mr Joshua Allsopp

By email: request-482634-76881d38@whatdotheyknow.com

Our Ref: SIR150467/A2658824

2 July 2018

Dear Mr Allsopp

Information Request – Strathbraan Licence

Thank you for your information request, which we received on 4 May. We have considered your request under the Environmental Information (Scotland) Regulations 2004 ('the EIRs').

Your Request

"In light of the recent raven cull license issued by your organisation in Strathbraan, I request access to the information submitted by the Strathbraan Community Collaboration for Waders that informed this decision in order for a scientifically-backed response.

I also request to see all and any correspondence and communications made by local grouse moor groups/owners/individuals in relation this matter. (If this is not available, then number of responses and action taken - ie meetings, responses, backing, etc - will suffice).

I wish to see what links SNH has with the Scottish grouse moor community through its members, funding, private backing, etc.

Finally, I request information on the number of successful prosecutions made with the involvement of SNH into the illegal persecution of raptor species on Scottish grouse moors, and any measures SNH is undertaking to end this illegal activity."

Our Response

We have carried out a detailed search of the information we hold, and copies of all the relevant documents are available at: <https://www.nature.scot/strathbraan-licence-information-released>.

The information includes the licence application, the licence application assessment, the issued licence and all the relevant internal and external correspondence.

Some parts of the documents provided have been marked out (redacted). The reasons for this are:

- We have marked out (redacted) some parts of the documents where they contain personal data.

Releasing the personal data into the public domain in response to an access to information request would breach the Data Protection Act 1998. We are therefore withholding the information under EIRs Regulation 11(2) (Personal data).

- We have redacted some information that was provided to us voluntarily and in confidence. There are no other circumstances that entitle SNH to disclose this information, and the correspondent has not consented to its disclosure. Making the information publicly available would be likely to substantially prejudice the interests of the correspondent. We are therefore withholding the information under EIRs Regulation 10(5)(f) (Interests of the individual providing the information).

We have concluded that, in this case, the public interest in making the information available is outweighed by the public interest in withholding it and maintaining the confidence in which the information was provided.

- We have redacted a small amount of information in the documents that falls out-with the scope of your request.

I wish to see what links SNH has with the Scottish grouse moor community through its members, funding, private backing, etc.

This part of your request is very wide-ranging if taken to include all and every organisation, group, or individual, who might be considered to be part of this community of interest by virtue of proprietorship, recreational participation, employment or service provision.

The grouse moor community represents a large scale land use in Scotland. We engage with the grouse moor community, as we do with other large scale land use communities such as forestry, farming or deer management, as part of our statutory role.

Finally, I request information on the number of successful prosecutions made with the involvement of SNH into the illegal persecution of raptor species on Scottish grouse moors, and any measures SNH is undertaking to end this illegal activity.

SNH 'involvement' in the prosecution process ranges from provision of specific information and advice to Police Scotland and Crown Office and Procurator Fiscal Service (COPFS) on criminal enquiries, to the provision of expert witness statements to COPFS for use in prosecuting cases, and finally to the provision of expert witnesses in Court to defend these statements. We have provided details of SNH involvement from 2013 onwards, when a system for recording SNH involvement in these cases was adopted.

There are a total 215 suspected criminal incidents recorded on our systems where SNH has provided detailed and specific information and advice, mostly to the police. These are recorded under species, rather than land use type, so it is not possible to identify whether the incidents relate to grouse moor, but 21 of these incidents relate to raptors. It must be stressed that these incidents were investigated as crimes by the police, but upon conclusion of investigation the disposal may be non-criminal.

We do not get informed as a matter of course of the outcome of these cases, therefore we cannot provide information on the number of successful prosecutions made with the involvement of SNH into the illegal persecution of raptor species on Scottish grouse moors. I therefore need to explain that this means that EIRs Regulation 10(4)(a)(Information not held) applies.

With regard to 'measures SNH is undertaking to end this illegal activity', in addition to the above, SNH can implement General Licence restrictions,

<https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-licensing-z-guide/birds-and-licensing/general-licences-birds>, on land and on individuals where there is evidence of crime against birds, that meets the requirements of our 'Framework for Implementing Restrictions'.

How We Handled Your Request

We believe you have asked for environmental information as defined in the Environmental Information (Scotland) Regulations 2004 ('the EIRs'), so we are dealing with your request under those regulations. To be able to use the EIRs, we must apply an exemption under section 39(2) of the Freedom of Information (Scotland) Act 2002 ('FOISA'). The Scottish Information Commissioner's guidance recommends that public authorities apply this exemption to environmental information and handle requests under the EIRs.

If you would like to find out more about the access to information legislation there is a guidance booklet available on the Scottish Information Commissioner's website:
<http://www.itspublicknowledge.info/nmsruntime/saveasdialog.aspx?IID=5487&SID=5024>.

Review and Appeal

I hope this information meets your requirements but if you are dissatisfied with how we have responded to your information request, please write to us within 40 working days explaining your concerns. You can contact us at Battleby, Redgorton, Perth, PH1 3EW or email us at FOI@nature.scot. We will carry out a review of our response and contact you with our findings within 20 working days.

If you are not satisfied following this, you can make an appeal to the Scottish Information Commissioner. The Scottish Information Commissioner can be contacted at:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Online appeal service: www.itspublicknowledge.info/Appeal

Website: <http://www.itspublicknowledge.info/>

Telephone: 01334 464610

Yours sincerely

Rhoda Davidson

Rhoda Davidson
Information Officer
FOI@nature.scot