

National Trust for Scotland submission of 8 August 2023

PE2021/F: Ensure the definition of protected animals in the Animal Health and Welfare (Scotland) Act 2006 applies to the sheep on St Kilda

Thank you for the invitation to comment on petition PE2021, relating to the definition of sheep on St Kilda, which are currently considered – and managed – as a wild animal population.

We appreciate the interest shown by the petitioners and recognise their concerns for the welfare of the sheep. While we believe that the existing regulatory framework should be maintained and explain our reasoning below, we are open to discussion on how the many elements which make St Kilda so special can be managed, now and in the future.

We would be pleased to provide the Committee with further oral or written evidence as needed.

St Kilda

St Kilda is an island archipelago 40 miles into the Atlantic from the nearest land in the outer Hebrides. The islands are Scotland's only dual World Heritage Site (WHS), recognised internationally for the significance of their wildlife and their cultural heritage. The islands are now uninhabited, with the final 36 islanders evacuated in 1930.

The National Trust for Scotland became the custodians of St Kilda in 1957, when the islands were bequeathed by the 5th Marquess of Bute. Since then, the Trust has cared for the natural and cultural heritage of the islands, providing access for visitors and supporting research into these unique islands.

The World Heritage inscription for St Kilda highlights the cultural landscape of the islands, the evidence of human occupation under extreme conditions, the superlative scenery, and the importance to terrestrial and marine biodiversity.

Soay sheep

The Soay sheep on St Kilda are the remnants of some of the earliest sheep which came to be domesticated, and which reached Europe around 3,000 to 4,000 years ago. The retention of wild traits in this population has allowed for its survival under the often harsh conditions of St Kilda.

The continuing existence of this population has provided biologists with an opportunity to study population dynamics in a wild group of mammals. The research can help inform wider concerns, such as the impact of climate change on wild animal populations.

The Soay sheep are included in the [UNESCO World Heritage inscription](#): “The feral Soay sheep are also an interesting rare breed of potential genetic resource significance.”

Welfare in wild animal populations

Domesticated animals are used for food, for producing materials, or as pets. As such, they interact with humans much more closely than wild animals and humans have a responsibility for their wellbeing and health while they are in human care.

Wild or feral animals are not subject to the same level of human intervention, and the same level of interaction is neither possible nor appropriate. The welfare of wild animal populations is still important, and there are a number of regulatory controls and protections. In caring for wild animal populations on the Trust’s estate, we carefully follow all relevant guidance and legislation and are mindful of public opinion.

Scottish Government guidance on the St Kilda Soay sheep population

In managing the Soay sheep population appropriately, we have sought to follow Scottish Government guidance.

In June 2009 we received a letter from the Cabinet Secretary for Rural Affairs and the Environment, which stated:

“From the veterinary and animal health perspective, the Rural Directorate has traditionally considered these animals to be effectively “wild”, that is, they have no owner, they are not situated on agricultural land, they are not considered to be either a domestic or captive population that is managed, they are not destined for the food chain, and they are not intended for intracommunity trade. On that basis, they have been considered to be exempt from almost all animal health and welfare

legislation and the associated administrative responsibilities placed on farmers as ‘animal keepers.’”

In February 2020, we were copied into a letter to Mr David Buckland and Mr Graham Charlesworth from the Agriculture and Rural Delivery Directorate stating that:

“The Scottish Government considers that, for the purposes of welfare legislation, the St Kilda sheep should be regarded in the same way as an unowned and unmanaged population of wild deer or other animals.”

The provisions of the Animal Health and Welfare (Scotland) Act 2006 did not apply as: “the current populations of sheep on St Kilda...can now be considered as distinct kinds that are not ‘commonly domesticated’”, the sheep are not gathered for a particular procedure, and “are feral animals ‘living in a wild state.’”

In March 2022 we were copied in to a letter from the Directorate for Agriculture and Rural Economy to Mr Graham Charlesworth restating the position that: “due to their unique history of adaptation to life on St Kilda without management over many generations could be considered as distinct kinds that are not “commonly domesticated” in the British Islands”, and that the 2006 Act does not apply as “the sheep are ‘living in a wild state.’”

St Kilda Management Plan for 2022-23

The National Trust for Scotland manages St Kilda in conjunction with a number of stakeholders, including the Scottish Government, NatureScot, and the Comhairlie nan Eilan Siar. Our current management plan (2022-2032) has been endorsed by our stakeholders, and now approved by the United Nations Educational, Scientific and Cultural Organisation (UNESCO). The management plan references the Soay sheep population:

“The feral Soay sheep, so much a feature of the landscape, represent an ancient breed, descendants of the most primitive domestic sheep found in Europe. They provide a living testament to the longevity of human occupation of St Kilda and, in addition, are a potentially significant genetic resource.”

And in terms of management approach states:

“Across the archipelago, the sheep will continue to be treated as feral animals with a presumption against intervention, except in exceptional circumstances (e.g. a serious outbreak of disease that threatens the

sheep populations). The sheep were confirmed by the Scottish Government as non-native species in 2020. The Trust will continue to comply with Scottish Government legislation relating to St Kilda's sheep populations."

Our response to the petition

We are grateful for the ongoing interest from the petitioners relating to the welfare of this important sheep population. We believe that the existing regulatory framework should be maintained. While the Soay sheep population originates from domestic animals, they are now classed as wild animals. As such, they go through their natural life-cycle with minimum human interference. It is well documented that their population fluctuates, but does so in accordance with other wild animal population dynamics. As our management plan currently states, in exceptional circumstances we may consider intervention which is in response to animal welfare. It is important to note that we would only be in a position to do this when we have staff resident on the island in the spring and summer months. This does not coincide with the period of maximum mortality for the sheep during the winter months.

The Soay sheep are one of the factors that contribute to the universal values which make St Kilda such an important World Heritage Site. Their presence on a world-famous island, visited by many, puts this population in view in a way that other wild animal populations, such as goats or deer are often not, but the fundamental distinction between domestic and wild animals remains. The sheep retain their natural population dynamics and many of their natural instincts and behaviours which are valued by visitors.

The National Trust for Scotland is open to discussion on how the Outstanding Universal Values of St Kilda can be managed, now and in the future. We are always interested in explaining our work as a charity, and the value of the heritage that we care for.