

Nature Scot submission of 14 August 2023

PE2021/G: 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 your email of 04 July 2023 seeking NatureScot's views on the action called for in Petition PE2021 lodged by David Peter Buckland and Graham Charlesworth.

As Scotland's nature agency, we advise the Scottish Government on biodiversity, geodiversity and the natural elements of our landscapes and seascapes. We have several roles in relation to protected areas, directly managing some, providing advice on the management of others and monitoring the condition of Sites of Special Scientific Interest (SSSI) and Natura sites. We provide advice on wildlife management, including non-native species issues. Our remit does not specifically cover animal welfare, although NatureScot takes this issue very seriously and has a [position statement on wildlife welfare](#).

Protected areas

NatureScot does not have any significant concerns about the impacts of these feral sheep on the special features of the protected areas on St Kilda. The sea cliffs of Hirta are the highest in the UK, reaching 426m, and St Kilda has some of the most extensive and best examples of maritime sea cliff vegetation in Europe. The impacts of sheep grazing on this vegetation are monitored and the condition of this habitat has been assessed as being 'favourable maintained'. The sheep are part of the cultural landscape of St Kilda, which is considered to be of outstanding universal value as part of the UNESCO World Heritage Site.

Non-native species

The law on non-native species in Scotland (section 14(1) of the Wildlife and Countryside Act 1981) was amended in 2012 to make it an offence to 'release any animal to a place outwith its native range' or 'otherwise causes any animal outwith the control of any person to be at a place outwith its native range'. Cattle and sheep that are managed on hill grazings are not considered to be released for the purpose of the Act

because they are kept in such a way that they can be gathered for husbandry purposes, or when they need to be contained in an enclosed area.

The feral sheep on St Kilda are unmanaged and living in a wild state. They cannot be easily gathered or contained in an enclosed area. Therefore, if anyone releases one of these animals from their control, it is considered to be a release under the 1981 Act. In July 2020, NatureScot issued a non-native species licence to the St Kilda Soay Sheep Research Project permitting the release of Soay sheep captured as part of the project on St Kilda. Prior to this date, the researchers were unaware of the change in the law that meant they needed a licence.

Change in guidance

The Petitioners are seeking clarification of the guidance on the Animal Health and Welfare (Scotland) Act 2006 to include feral sheep on St Kilda to be covered by the definition of protected animals. The current guidance states that livestock, poultry, horses, cats and dogs should be considered as protected animals whether they are in captivity or living wild as "feral" animals because their breeding and living conditions have previously been under human control. Therefore, any change in the guidance on feral livestock could be considered to apply to feral goats and feral cats as well. This is however a policy decision for Scottish Government to consider.

Such a change would affect a significant number of landowners across Scotland. For example, there were at least 45 populations of feral goats in Scotland in 1993, many of them on islands. There are feral cats in many parts of Scotland and in 2017 RSPB recorded confirmed presence of feral cats on 31 Scottish islands. There may be unintended consequences if some landowners decide to remove the populations of feral livestock on their land rather than take on the burden of their welfare.