

## FCS Guidance Note 35d: Forest operations and wildcats in Scotland

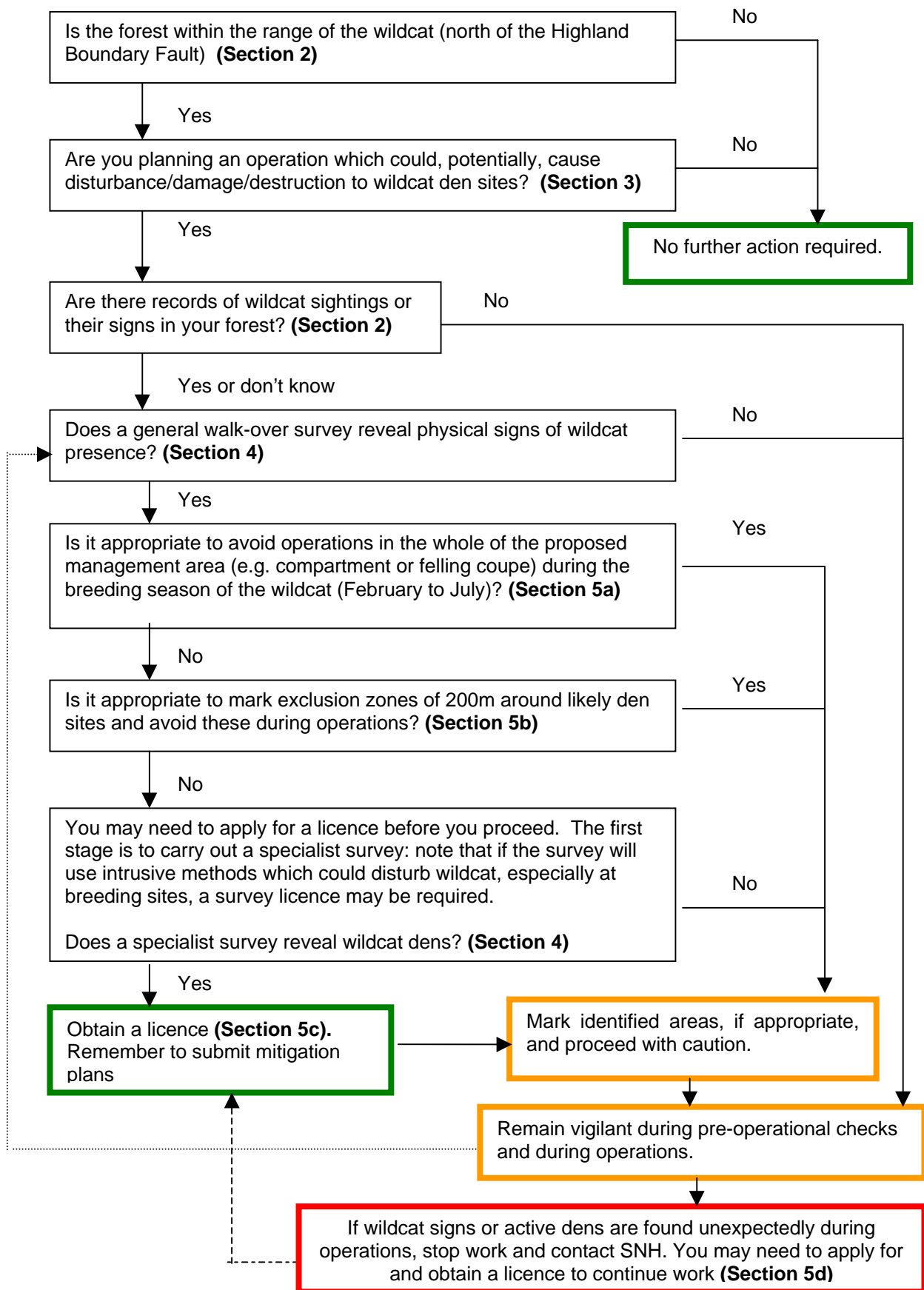
*Wildcat in woodland habitat*

### SUMMARY OF KEY INFORMATION

- This guidance note describes reasonable measures that forest and woodland managers should follow to avoid or minimise the risk of committing offences against the wildcat, a European protected species.
- It is an offence deliberately or recklessly to capture, injure or kill a wildcat; to disturb it while it is occupying its breeding sites/resting places; or to obstruct access to its breeding sites/resting places. It is an offence to damage or destroy breeding sites/resting places even accidentally.
- The greatest risk of an offence is that management operations could destroy or damage a den.
- Wildcats are widely but unevenly distributed throughout the north and central Scottish mainland, north of the Highland Boundary Fault (which runs from Arran to Stonehaven). Within this area, and particularly where there have been local records of the species, wildcat should be an operational consideration.
- Prior to any management operation in this area, you should find out if there have been signs or records of wildcat in your wood. In sites with recent signs and/or local records you should carry out basic survey work to establish whether wildcat are using your woodland and identify possible den sites.
- If no physical evidence of den sites is found, proceed with the forestry operation, but remain vigilant for signs of wildcat using the area.
- If physical evidence of a den site is found, mark an exclusion zone of 200m around the site. Ideally avoid carrying out operations in the vicinity or carry out woodland operations between August and January when wildcats are not breeding. If dens are found during operations, halt work immediately and seek advice from SNH on how to proceed.
- If management operations are necessary within the exclusion zone/time above, you must apply for and obtain a licence from Scottish Government to undertake the work before starting your operations.



## FLOWCHART SHOWING DECISION MAKING PROCESS



## PURPOSE OF THE DOCUMENT

This guidance note has been prepared by Forestry Commission Scotland (FCS) and Scottish Natural Heritage (SNH) to advise people who are planning and carrying out felling or other operations in woodlands which have the potential to affect wildcat (*Felis silvestris*), a European protected species.

This note will be revised as necessary in the light of experience and feedback from users. It is one of a series of four detailed guidance notes on European protected species in Scottish woodlands which supplement more general guidance in [FCS Guidance Note 34, 'Forest Operations and European Protected Species in Scottish forests'](#). The other species featured are otter, great crested newt and bats.

FCS will follow this guidance in its management of the national forest estate, and will expect it to be followed by those carrying out forestry operations covered by felling licences, and grant schemes and forest plans for private forests. FCS and SNH will also promote its use in forestry-related environmental impact assessments and in appropriate assessments for judging the impacts of forestry-related proposals on Natura sites.

## 1. INTRODUCTION

The wildcat is the only native member of the cat family to be found in the wild in Britain. It has declined in range and abundance over the past 100 years. As a European protected species of animal, wildcats are fully protected. In summary, it is an offence to:

- deliberately or recklessly capture, injure or kill them
- deliberately or recklessly harass or in certain circumstances, disturb them
- damage or destroy their breeding sites or resting places, even accidentally

### Definitions used in this guidance.

A **wildcat den** is a place used by a wildcat for rest or for breeding.

More information on wildcats and the law is contained in Annex 1.

A person is not guilty of the above offences if they are carried out in accordance with a licence which can only be issued under very strict conditions. For more information, see section 5 below.

## 2. WHERE DO WILDCATS OCCUR IN SCOTLAND?

Wildcats are widely but unevenly distributed throughout the north and central Scottish mainland. As far as is known they are not, and never have been present on any of the offshore islands. Despite some reports, there are no validated current records for wildcat south of the Highland Boundary Fault (which runs from Arran to Stonehaven). Feral or feral/hybrid cats visually resembling wildcats can be found within the wildcat range.

The following resources can help you to tell if your woods are within the core distribution of the species and whether there have been recent records of wildcat at the site, although absence of records does not necessarily mean that wildcats are not present.

- National Biodiversity Network interactive map <http://www.searchnbn.net/searchengine/search.jsp?tab=1&pg=1&searchTerm=Wildcat>
- Local Record Centres (<http://www.brisc.org.uk/Sources.php>) for additional records of wildcat occurrence.

- In addition, SNH may be able to give site specific information on the likelihood of wildcat presence. The results of the Scottish Wildcat Survey 2006-2008 will be made available through the NBN. Although this will be one more source of publicly available information, it will not have comprehensive coverage.

Local knowledge can provide further information about the presence of wildcat on your site. You should consult local forestry contractors, farmers, gamekeepers etc. who work in and around the site.

### 3. FORESTRY-RELATED DAMAGE OR DISTURBANCE TO WILDCAT

The greatest risk of committing an offence is that management operations such as ground preparation prior to planting, felling, or forest road construction are likely to:

- **damage or destroy den sites, or**
- **cause disturbance to wildcat whilst breeding.**



*Wildcat on a pine tree.*

Importantly, accidental damage or destruction of den sites, as well as that which is done deliberately or recklessly, could be an offence. Remember that dens are protected at all times even when no wildcats are present. However, the time when disturbance of a den will be most detrimental is during the breeding season, when female wildcat are pregnant or have dependent kittens.

Disturbance to breeding wildcat might happen as a result of frequent high impact activities

(noise or vibration) occurring close to active dens. Disturbance could also occur indirectly as a result of felling or planting trees nearby which could alter the degree of seclusion and protection from the elements offered by the den.

In addition, forest operations might:

- **cause disturbance to wildcat by altering their habitat** to make it less viable.

This disturbance can be prevented if normal good forest practice is followed. Wildcat range over very large areas and felling and replanting which conforms to best practice as set out in the UK Forestry Standard should not constitute an offence. In fact, best practice management could increase food supply in the short to medium term, as well as providing for longer term variety and habitat quality. However, the impact of such changes should be considered as part of the woodland planning process.



*Wildcat searching for food*

#### 4. WILDCAT SURVEYS

If you intend to carry out operations in woodland within the current range of wildcat you should check for historic records and/or signs of wildcat before operations commence. If there are records of wildcat presence or their signs then you must carry out a general survey to look for wildcat dens.

Where there are historical sightings, but no possible den sites are found, operators should be instructed to remain vigilant for the species as they work.

##### **General survey**

A preliminary walk-over survey of the woodland area to be managed can determine the presence of features which wildcat might use as dens, and further investigations can determine whether there is any physical evidence that these sites are being used. Wildcat is an elusive species and is unlikely to be seen during this sort of survey.

Wildcat occupy dens in hollow trees, rock crevices, rabbit burrows, disused badger setts, under fallen debris or in old fox earths. Check any such locations encountered during a walk-through survey for signs of use including scats, claw marks and paw prints. Such possible wildcat den sites should be noted and mapped for future observation. This sort of survey:

- is best done in winter when the features are less likely to be obscured by vegetation. If there are no such features it is unlikely that wildcat will den in the area, although they may still use above-ground features for resting between foraging bouts.
- should be conducted prior to drawing up a schedule of operations. By determining the presence and location of possible wildcat dens in a woodland, the likely impact of operations may be reduced through appropriate timing or zoning of operations.



*Good wildcat den habitat*



*Good wildcat den habitat amongst mossy boulders*

##### **Intensive specialist survey**

If after a preliminary walk-over survey you think you have possible wildcat den sites on an area to be managed and avoidance is not a management option (see Section 5), then the next stage is to conduct a specialist survey to determine whether the possible den is actually in use.

Detailed observation is the only way to determine whether a wildcat den is in use. Wildcat surveys cannot rely on indirect signs of the animal (e.g. scats, claw marks, paw prints) to verify their presence as these signs cannot distinguish wildcat from feral / hybrid cats. Consequently, the only reliable method to confirm the presence of wildcat is by direct observation and application of the [pelage criteria](#) published in Kitchener *et al.* (2005).

For this reason, verification of wildcat presence may require a level of specialist knowledge. Surveys also need to take into account the ability of wildcat to be inactive for extended periods, subject to the season and weather conditions and, consequently, should include multiple visits. A licence to carry out an intensive survey may be required.

Note that one output of a specialist wildcat survey should be a report which is sufficient to allow decisions on forest planning to be taken and to inform a licence application if one is necessary.



*Photo of wildcat showing characteristic blunt tail tip, tail bands and stripes and spots on coat*

## **5. IDENTIFYING THE APPROPRIATE MANAGEMENT APPROACH**

When carrying out forestry or woodland management operations in an area which could or does have wildcats, there are several options:

### **(a) Avoid operations which could damage possible den sites or disturb wildcats.**

If you have areas within your wood which are particularly suitable for wildcats, one option is to retain these features even without being certain that wildcats are there. Where this is not appropriate, avoiding operations during the breeding season of the wildcat (February to July) is another way of avoiding damage to possible den sites and disturbance of breeding animals.

### **(b) Mark exclusion zones**

Where appropriate, exclusion zones can be marked and avoided during operations. An exclusion zone of 200m should be created around features identified as likely den sites, and all operations avoided in this zone.

### **(c) Obtain a licence for operations when wildcat are known to be present.**

If it is essential to proceed with management operations and you believe a confirmed den would be disturbed, damaged or destroyed you must apply for and obtain a licence from the Scottish Government before operations are started.

A licence application will require evidence:

- of the existence of a den site;
- that there is no satisfactory alternative to disturbing, damaging or destroying the den site; and
- that there will be no detriment to the maintenance of the species at 'favourable conservation status'.
- You must also provide a detailed proposal for mitigation.

Please note that licences can only be issued for limited reasons. For forestry operations, this is likely to be where there are reasons of public safety or other imperative reasons of overriding public interest including those of a social or economic nature.

**(d) A wildcat den, or evidence of one, is found unexpectedly during forest operations.**

If wildcat activity is suspected or fresh signs are discovered during operations (especially around likely dens), you should immediately stop work and seek advice from SNH, and review your plans as required. SNH's advice on these occasions is likely to be to carry out further survey work to confirm the presence of wildcat or their den sites. If wildcat or their den(s) are then identified and the area in question cannot be avoided, you will be advised to seek a licence from the Scottish Government bearing in mind the strict conditions under which these are issued.

Should you feel a licence application is necessary or wish to discuss the licensing process in more detail, please write to the Species Licensing Team, Landscapes and Habitats Division, Rural Directorate, The Scottish Government, Room 1-A North, Victoria Quay, Leith, Edinburgh EH6 6QQ, (or telephone 0131 244 7140, fax: 0131 244 6549, or email: [specieslicensing@scotland.gsi.gov.uk](mailto:specieslicensing@scotland.gsi.gov.uk)).

Anyone who finds they have inadvertently damaged or destroyed a den during operations should get in touch with SNH for advice on what to do next.

Record any incidents and the action taken when wildcat or their dens are encountered during operations.



*Wildcat showing typical pelage characteristics*

## 6. GENERAL MEASURES TO MAINTAIN OR IMPROVE WOODLAND HABITAT FOR WILDCAT

This note focuses on how to plan operations to avoid damage and disturbance and comply with the law. You might also consider how you can provide good wildcat habitat in the future by planning longer term woodland management. This will help the wildcat to reach 'favourable conservation status'. In particular, note that:

- As a relatively mobile species with large individual home ranges, and possibly more than one den site, wildcat can accommodate small scale forest operations without detriment to their conservation status. However, medium- to large-scale changes to the landscape within individual home ranges may be detrimental if they diminish prey availability or accessibility.
- Habitats can be managed favourably for wildcat by ensuring that operations maintain the quality and quantity of woodland available and maintain, or enhance connectivity between fragmented areas.
- Wildcat appear to select habitats that provide a balance of foraging resources and shelter within each home range. Open habitats, such as rough grassland or moorland adjacent to woodlands can contribute to this.

For more information, see Annex 2.

## 7. REFERENCES AND FURTHER READING

A wider context, and some ecological background, on the importance of the species are available from the European Mammal Assessment (<http://ec.europa.eu/environment/nature/conservation/species/ema/index.htm>).

Easterbee, N, Hepburn, LV and Jefferies DJ (1991) Survey of the status and distribution of the wildcat in Scotland, 1983-87. Nature Conservancy Council for Scotland, Edinburgh.

Kitchener A (1995) The Wildcat. Mammal Society Publications, London.

Kitchener, A.C., Yamaguchi, N., Ward, J. & Macdonald, D.W. (2005) *A diagnosis for the Scottish wildcat (Felis silvestris): a tool for conservation action for a critically-endangered felid*. Animal Conservation (8): 223-237

Kitchener, AC and Daniels MJ (2008) Wildcat pp.397-406 in: Harris, S and Yalden, DW (Eds.) Mammals of the British Isles: Handbook, 4th Edition. The Mammal Society, Southampton.

### PHOTO CREDITS

All photographs by Pete Cairns.

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## Annex 1: Wildcats and the Law

The wildcat is listed on Annex IV of *EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna* ('Habitats Directive') as a species of European Community interest and in need of strict protection. The Habitats Directive is transposed into domestic legislation by means of ***The Conservation (Natural Habitats, &c.) Regulations 1994 (amended in Scotland in 2004, 2007 and 2008)***, (hereafter the 'Regulations'). The wildcat is also listed in Schedule 2 of the Regulations as a '**European protected species of Animal**' and is fully protected. For further general guidance on the amended Regulations and how they affect woodland managers see: the [Scottish Government's explanatory note](#). Under the 2008 version of the Regulations it is an offence, without an appropriate licence, to:

- deliberately or recklessly capture, injure or kill such an animal
- deliberately or recklessly
  - (i) harass such an animal or group of animals;
  - (ii) disturb such an animal while it is occupying a structure or place used for shelter or protection;
  - (iii) disturb such an animal while it is rearing or otherwise caring for its young;
  - (iv) obstruct access to a breeding site or resting place, or otherwise deny the animal use of the breeding site or resting place;
  - (v) disturb such an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs;
  - (vi) disturb such an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young;
  - (vii) disturb such an animal while it is migrating or hibernating;
- damage or destroy a breeding site or resting place of such an animal (this does not need to be deliberate or reckless for an offence to have been committed).

## Annex 2: Wildcat habitat requirements

There have been very few detailed studies of wildcat, so little is known of their denning behaviour. However, dens are used all year round for sheltering and resting between foraging bouts and in good weather, they may use above-ground resting places among tall vegetation, such as heather or bracken. They may remain inactive inside a den for up to 28 hours when inclement weather interferes with their hunting activities.

Female wildcat usually mate and conceive in February/March and have one litter of 2 – 6 kittens per year. If the first litter is lost, a female is capable of conceiving again up until June. The gestation period is about 9 weeks, so kittens are usually born in April/May, with birth of replacement litters possible until August. The young are weaned at two months (approximately June/July) and usually disperse around five months (September/October). The greatest harm will be caused by disturbance during lactation (i.e. when the kittens are confined to the den and totally dependent on their mother), and shortly after weaning. A male wildcat's home range overlaps with several females, and he plays no part in rearing the young.

Wildcat use woodland for foraging and denning. Whilst they may forage extensively in open ground (particularly under cover of darkness), woodland is important in providing them with cover and security. As a relatively mobile species with large individual home ranges, and possibly more than one den site, wildcat can accommodate small scale forest operations without detriment to their conservation status. However, medium- to large-scale changes to the landscape within individual home ranges may be detrimental if they diminish prey

availability or accessibility. The impact of such changes should be considered as part of the woodland planning process.

Habitats can be managed favourably for wildcat by ensuring that operations maintain the quality and quantity of woodland available and maintain, or enhance connectivity between fragmented areas. If your woodland is in close proximity to a road, or expansion plans cover a road, you should consider how wildcat might negotiate this structure safely. Wildcat live at relatively low densities and road casualties are a significant problem for local populations. Any steps to avoid the necessity for animals to cross roads should be incorporated during woodland planning (e.g. avoid fragmentation of habitat blocks by roads and ensure that culverts under roads which join areas of suitable habitat incorporate a dry mammal pass). See <http://www.standardsforhighways.co.uk/dmrb/index.htm>.

Wildcat appear to select habitats that provide the right balance of foraging resources and shelter within each home range. Open habitats, such as rough grassland or moorland adjacent to woodlands can contribute to this. Whilst management of these areas is outside the scope of this guidance, consideration may be given to neighbouring habitat types and quality when planning woodland edges. Clear areas, as recommended in the Forests and Water Guidelines, should be incorporated. Unplanted and lightly grazed areas within woodlands (e.g. along streamsides, rides etc.) would add structural diversity to the woodland and increase the numbers of wildcat prey (voles, mice etc.). Providing such undisturbed foraging areas rich in small mammals would enhance the habitat quality for wildcat. Thus, normal good forest practice as per the UK Forestry Standard and associated Guidelines, and the UK Woodland Assurance Standard, which aim for a range of wooded and open habitats and varied age structure of forest, is probably beneficial to wildcats.