

## **Beavers in Scotland**

### **Scottish Government Policy Statement**

#### **Background**

Beavers were once widespread throughout Britain. It is believed that they were hunted to extinction for their fur and castoreum (an oil used for scents and flavouring). They were last recorded in Scotland in the 16th century. Beavers were also hunted throughout Europe and became extinct or were reduced to remnant populations in many countries.

Since the middle of the 20<sup>th</sup> Century beaver reintroduction programmes throughout Europe have seen the return of beavers to more than 25 countries. Beavers are particularly valued as candidates for reintroduction because of their ability to manipulate their environment to produce wetland habitats that can in turn support greater biodiversity. The ability of beavers to change their environment can also have positive and negative effects on issues or activities such as flood management, agriculture and freshwater fisheries.

Consideration of the feasibility and desirability of reintroducing beavers to Scotland started in 1995 and culminated in the 'Beavers in Scotland' (BiS) report produced by Scottish Natural Heritage (SNH) on behalf of the Scottish Government and published in June 2015.

There are two distinct populations of beavers in Scotland at present. At Knapdale in Argyll, there is a population of around twelve animals. These were the subject of the licensed Scottish Beaver Trial which ran between 2009-14 on part of Scottish Ministers' National Forest Estate and which involved the Scottish Wildlife Trust (SWT) and the Royal Zoological Society of Scotland (RZSS).

There is also a much bigger population of beavers in the Tay and Earn catchments (Tayside). These animals derive from accidental or illegal releases. The population is spread throughout Tayside. A survey in 2012 put the population at 146 animals. Testing of a sample of the animals by RZSS vets showed that they were healthy and free of disease. It is likely that this population will have grown considerably since 2012, but with an unknown number of animals being culled it is hard to estimate. A recent (November 2016) population modelling exercise carried out by SNH produced a figure of approximately 250 animals, with it being considered very unlikely that there are more than 400 animals. The Minister for Environment agreed in 2012 that the Tayside population could remain *in situ* until a decision was taken on the future of beavers in Scotland.

#### **Policy context**

Assessing the need for beaver reintroduction has a legal basis. The key legal driver has been the Habitats Directive. Article 22 of this Directive states that EU Member States should:

*'...study the desirability of re-introducing species in Annex IV that are native to their territory where this might contribute to their conservation, provided that an investigation,*

*also taking into account experience in other Member States or elsewhere, has established that such re-introduction contributes effectively to re-establishing these species at a favourable conservation status and that it takes place only after proper consultation of the public concerned.'*

The Eurasian beaver, *Castor fiber*, is one of the species listed in Annex IV. There are also other international legal instruments which refer to reintroductions in a more general sense, such as the 'Bern Convention' of 1979 and the Convention on Biological Diversity (1992). All of this should be considered in the context of the 2020 Challenge for Scotland's Biodiversity, a strategy launched by the Scottish Government in 2013 to protect and restore Scotland's biodiversity, in response to the Aichi Targets set by the United Nations Convention on Biological Diversity. It aims to:

- Protect and restore biodiversity on land and in our seas, and to support healthier ecosystems
- Connect people with the natural world, for their health and wellbeing and to involve them more in decisions about their environment
- Maximise the benefits for Scotland of a diverse natural environment and the services it provides, contributing to sustainable economic growth

SNH started investigating the feasibility and desirability of reintroducing beavers to Scotland in 1995, as part of its 'Species Action Programme'. A number of reviews and assessments were run during the 1990s, culminating in a national consultation in 1998. A licence application was submitted by the Scottish Wildlife Trust (SWT) and Royal Zoological Society of Scotland (RZSS) to undertake the 'Scottish Beaver Trial' (SBT), a trial reintroduction at Knapdale in 2007. Permission was granted by the Scottish Government, and animals were released in 2009, followed by five years of monitoring.

### **Scottish Ministers' decision**

Taking into account the experience gained from the Scottish Beaver Trial at Knapdale, the work of the Tayside Beaver Study Group and related projects and initiatives, Scottish Ministers announced on 24 November 2016 that they are minded to allow beavers to remain in Scotland, subject to the satisfactory completion of a Strategic Environmental Assessment (SEA), and a Habitats Regulations Appraisal (HRA).

Subject to the completion of SEA and HRA as above Scottish Ministers have agreed that:

- The beaver populations in Argyll and Tayside can remain
- The species will receive legal protection, in accordance with the EU Habitats Directive
- Beavers will be allowed to expand their range naturally
- Beavers should be actively managed to minimise adverse impacts on farmers and other land owners
- It will remain an offence for beavers to be released without a licence, punishable by up to 2 years imprisonment and an unlimited fine

This decision seeks to balance the objectives of securing the biodiversity and other environmental benefits from the presence of beavers in Scotland with managing the negative impacts that have been identified, particularly those on agriculture in Tayside.

## **Protecting beavers**

Following satisfactory completion of the SEA and HRA processes, it is the intention of the Scottish Government to put in place protection for beavers, as required by the Habitats Directive. To achieve this in domestic law would require a Scottish Statutory Instrument (SSI). The SSI would add beavers to Schedule 2 of the Conservation (Natural Habitats, &c.) Regulations 1994. The SSI would be made under section 2(2) European Communities Act 1972.

Following Scottish Parliamentary approval of an SSI as above, beavers would be classified as a European Protected Species. This means that it would be an offence to kill or injure any beaver, or deliberately disturb a beaver during breeding or rearing periods. The breeding and resting places of beavers would also be protected.

Until beavers are given fully protected status, the Scottish Government has called on land managers to exercise restraint in managing beavers and to consult SNH for advice, in effect to proceed as though legal protection was in place. If there is evidence that this advice is not being followed on a particular landholdings there would be the option to issue Nature Conservation Orders (NCOs). These Orders are made by Scottish Ministers and may prohibit specified activities in specified areas and at specified times, including for example prohibiting the shooting of beavers. Breach of an NCO is a criminal offence with a fine of up to £40,000 under summary procedure and an unlimited fine on indictment.

## **Management**

The Scottish Government aims to promote proactive management of beavers to mitigate negative impacts on land use activities. Many management actions can be carried out with no adverse effects on animal welfare and without any need for a licence. SNH has proposed a system of management that would provide advice to land managers on the actions that will require a licence and those which do not. SNH will offer a fast, responsive and flexible service that would provide advice over the phone, via a website and would also provide site visits.

The law provides for a system of licensed management of species such as beavers that have European Protected Species status. Actions that would otherwise be unlawful under the regulations (e.g. killing, trapping, destruction of dams or lodges) can be carried out under licence from SNH for specified purposes, including protection of crops, livestock, timber or public health. However, before a licence can be issued, the EU Habitats Directive requires SNH to be satisfied that there is no satisfactory alternative to the requested intervention and that the action will not have a detrimental effect on the conservation status of the species.

## **Licensed releases**

Licensing decisions are, in the first instance, a matter for SNH. However SNH will consult Scottish Ministers on novel or contentious licensing decisions. The Scottish Government anticipates being able to support licensed release of beavers where this is connected with the management of the populations on Tayside and Knapdale. In particular it is recognised that the Knapdale population is likely to need reinforcement it is to survive.

The priority for the Scottish Government as regards beavers is to gain experience and knowledge of how to manage the animals where there are conflicts with land use, and in particular conflicts with agriculture as seen in some parts of Tayside. The Scottish Government takes the view it would not be prudent or sensible to support releases of beavers in new catchments until we can be confident that we have the skills, knowledge and framework in place to ensure that beavers can be managed so that we benefit from their positive impacts while minimising negative impacts on economically important land use.

## **Illegal Releases**

It will remain an offence under the Wildlife and Countryside Act 1981 for beavers to be released anywhere in Scotland without a licence from SNH for that purpose, punishable by up to 2 years imprisonment and an unlimited fine. Scottish Ministers will seek to remove any beavers that have not been released in accordance with an SNH licence or not spread naturally from the Tayside or Knapdale populations.