

Net Zero, Energy and Transport Committee 12th Meeting, 2021 (session 6), Tuesday, 30 November 2021

Petition for consideration - PE1815: Translocate protected beavers to reduce licensed killing

Note by the Clerk

1. This paper invites the Committee to consider petition PE1815: Translocate protected beavers to reduce licensed killing
 - Purpose: Calling on the Scottish Parliament to urge the Scottish Government to initiate a programme to translocate protected beavers to suitable habitat outside existing beaver range, to minimise the need to kill animals adversely impacting arable farmland.
 - Petitioner: Steve Micklewright on behalf of Trees for Life
 - Date published: 27 August 2020
 - Webpage: [The full petition PE1815 can be viewed here](#) and is also available in annexe A.

Prior Consideration of the petition

2. In Session 5, the petition was referred to the Environment, Climate Change and Land Reform Committee. The Committee was made aware of legal action directly relevant to the petition (as discussed below and in the annexes), and accordingly took no substantive action on it. At the end of the session, it agreed to refer the petition back to the Public Petitions Committee, with a view to it being referred to its successor committee in Session 6. A background paper on beaver management and translocation by the Scottish Parliament Information Centre (SPICe) was published in June 2020. It is available in annexe C.
3. At its meeting on 23 June 2021, the Citizen Participation and Public Petitions Committee agreed to refer the petition to the relevant Committee under Rule 15.6.2 of Standing Orders, to ensure consideration could continue.
4. The petition is calling for an action which would be delivered by NatureScot. As NatureScot currently falls within the remit of the Cabinet Secretary for Net Zero, Energy and Transport, it was determined in August 2021 that this petition should be referred to the Net Zero, Energy and Transport Committee.

Issues raised and recent developments

5. Beavers received protected species status on 1st May 2019. In the two years following May 2019, 202 beavers were killed under license to prevent damage to farmland. In the same time period, 47 beavers were translocated, nearly all to flood mitigation and biodiversity enhancement schemes in England. As set out further in annexes A and B, Trees for Life consider that killing should only be used as last resort and that translocation - trapping beavers safely and moving them to a more suitable area – provides a proven and effective alternative remedy in relation to a protected “keystone” species.
6. Trees for Life decided to challenge NatureScot in court over its approach to licensing. The judgement was rendered on 21 October 2021. [The full judgement is available here.](#)
7. The judgement ruled that the licences NatureScot issued to kill beavers were found to be illegal and that it must in future set out the reasons why it believed beavers should be killed. However, NatureScot only lost on one of five complaints from Trees for Life. Complaints relating to the underlying licensing decisions were rejected by the court. [Trees for life’s statement on the court ruling is available here.](#) [NatureScot’s statement on the ruling is available here.](#)
8. On 22 November 2021, Trees for life provided the Committee with an update on their petition in light of the court ruling- see annexe B.
9. On 24 November 2021, the Scottish Government announced new measures to support the expansion of the beaver population and promote translocation: The Scottish Government said it would work with NatureScot and other partners to look for future release sites in new areas of Scotland, to help increase beaver numbers. [The announcement can be read here.](#)
10. In a further update provided to the Committee, Trees for Life stated:

“Yesterday's (24 November) announcement from the Minister for Green Skills, Circular Economy and Biodiversity on changing the beaver management policy to allow translocation outside the current range is a hugely welcome development relating to the core issues in our petition. While we are waiting with interest to see the detail of the new policy and how it will be supported in practice, we would like to take this opportunity to highlight the importance of three specific requirements for a fair and practical beaver management approach:

 - “A streamlined application process for translocation licensing which sets clear guidance for applicants and consultees on open, constructive stakeholder engagement in the process.
 - Funding will be required to support the translocation process from consultation through to delivery. Given beavers' importance as a keystone species for restoring biodiversity, we believe that this would be highly relevant to the aims of the new Nature Restoration Fund.

- Farmers need meaningful financial support for adaptation and mitigation when beavers have negative impacts on farmland and this should be built into the coming changes to agri-environment support funding. “

11. Clerks asked NatureScot if they had a response to the 24 November announcement that they wished to share with the Committee at this stage. They replied that “NatureScot will work with Scottish Government to take this work forward”

Decision on the petition

12. Under Standing Orders, the Committee may take such action as it considers appropriate in relation to any petition. This may include—

(a) referring the petition to the Scottish Ministers, any other committee of the Parliament or any other person or body for them to take such action as they consider appropriate;

(b) reporting to the Parliamentary Bureau or to the Parliament;

(c) taking any other action which the Committee considers appropriate; or

(d) closing the petition. If a petition is closed, the petitioner must be notified of the reasons for this. It is good practice for the Committee to agree in its public discussion of any petition it intends to close, the reason(s) why it is being closed.

13. The Committee is invited to consider its approach to the petition, bearing in mind the options available to it, as set out in paragraph 16 above.

ANNEXE A

PE1815: Translocate protected beavers to reduce licensed killing

<https://petitions.parliament.scot/petitions/PE1815>

Calling on the Scottish Parliament to urge the Scottish Government to initiate a programme to translocate protected beavers to suitable habitat outside existing beaver range, to minimise the need to kill animals adversely impacting arable farmland.

Previous action taken

In my capacity as Chair of the Scottish Rewilding Alliance, I have written to the Cabinet Secretary for the Environment, Climate Change and Land Reform asking that translocation of beavers be permitted from Tayside to other areas outside their existing range.

Trees for Life has also written to Scottish Natural Heritage offering to make land available for beavers translocated from Tayside and we have contacted them ourselves to share our experience of opening balanced conversations about beavers with local communities.

Background information

This petition is prompted by the Beaver Summary Report 2019 issued by Scottish Natural Heritage on 28 May 2020 (<https://www.nature.scot/snh-beaver-licensing-summary-1st-may-31st-december-2019>) which indicated that 87 beavers, estimated to be one fifth of the total protected population in Scotland, had been shot under licence in Tayside during the period May-December 2019.

Further details about Scottish Natural heritage's beaver management regime were provided in answer to Written Parliamentary Questions No S5W-29079, S5W-29081, S5W-29083, S5W-29084; S5W-29088, S5W-29091, S5W-29093, S5W-S5W-29094 and S5W-2905.

In a previous report (Beavers in Scotland: a report to the Scottish Government 2015 p27), Scottish Natural heritage indicated that 105,586 hectares of suitable 'core beaver woodland' habitat exists throughout Scotland (<https://www.nature.scot/beavers-scotland-report-scottish-government>).

Many members of the public find it morally repugnant that a fifth of the population of species that only received European Protected Species status on 1 May 2019 has been allowed to be killed under government licence in such a short space of time. Scottish Natural Heritage have acknowledged in the Beaver Summary Report 2019 that the high level of licensed killing is impacting population expansion in certain areas, and leading Scottish conservation bodies have expressed concern that the

extent of the killing could potentially threaten the genetic viability of Scotland's beaver population.

The issue is particularly concerning given the recognised role that beavers have in enhancing biodiversity and mitigating the effects of climate change (see <https://www.nature.scot/management-framework-benefits-beavers>). While beavers can sometimes be problematic for farmers in low-lying arable land, the intensity of licensed killing is potentially increased by government policy that effectively limits translocation to within those river catchments where beavers are present. If this policy is allowed to persist, it may be many decades before beavers reach areas of suitable habitat in new river catchments where their environmental benefits are sorely needed.

Changing policy to allow Scottish Natural Heritage to translocate beaver to suitable habitat outside current range can create a win-win situation: minimising the number of beavers killed under licence and reducing pressure on affected farmers in Tayside, while simultaneously providing environmental benefits to communities in those new areas to which Tayside beavers will be translocated.

Related information:

<https://treesforlife.org.uk/scotlands-beavers-we-need-better-options/>

Created by
Steve Micklewright on behalf of Trees for Life

Considered from
27 August 2020

16 785 signatures

ANNEXE B

Petitioner Update from Trees for Life dated 22 November 2021

Consideration of petition PE1815: Translocate Protected Beavers To Reduce Licensed Killing

The above petition, submitted by ourselves, asks the Parliament to urge the Scottish Government to minimise the need to kill beavers that cause serious damage to low-lying arable farmland by permitting the translocation of beavers to suitable habitat outside the current range of the species in Scotland. This would match the approach used to manage beavers, a European Protected Species, across Europe and the current proposals from DEFRA for beaver management in England.

This petition, with 16,785 signatures, was, until this year, the most signed Scottish Parliamentary petition of the previous 10 years, demonstrating the broad public support for the translocation of beavers to new river catchments in Scotland.

Consideration to date

Our petition, together with a [SPICe briefing](#) and submissions from the [Scottish Government](#) and [ourselves](#), was considered by the Public Petitions Committee on 1st October 2020 when the Committee recommended that it be referred to the then Environment Climate Change and Land Reform Committee. We subsequently wrote to the Convenor of ECCLR to inform the Committee that evidence had come to light about legal flaws in the awarding of licences for lethal control of beavers by NatureScot and to note that we had opened pre-litigation dialogue with NatureScot. Our hope at the time was that the matter would be resolved without the need for formal legal action but we wanted to make the Committee aware of the developments, anticipating that it would suspend its plans to consider our petition until any legal issues had been resolved.

In the event, we were unable to secure the reassurances we were seeking from NatureScot and we felt that we had no option but to proceed to a crowdfunded judicial review. The verdict from the hearing was published on 21st October this year and is briefly summarised below. With the judicial review process complete, we are grateful to this Committee for opening its consideration of our petition.

Key points from the Petition

As NatureScot and many others [have described](#), beavers are a keystone species that could be playing a major role in improving water quality, restoring biodiversity, and perhaps most critically, mitigating the effects of climate change in Scotland.

Levels of lethal control compared to translocation

In the two years following May 2019, 202 beavers - representing a fifth of the estimated population - were killed under licence to prevent damage to farmland. In the same time period, only 47 beavers were translocated, nearly all to flood mitigation and biodiversity enhancement schemes in England. This is in spite of the

fact that in the overwhelming majority of cases, translocation is a proven and effective remedy for preventing beaver damage to farmland. NatureScot has identified over 105,000 ha of suitable habitat for beavers in Scotland, but current government policy prohibiting translocation to new Scottish river catchments, effectively prevents this key mitigation method from being used.

Failure to use the option of least harm for a protected species

NatureScot's procedures for assessing licence applications to carry out management of beavers, a European Protected Species, conspicuously fail to require the option of translocation to be considered before a licence for lethal control is issued. As a result, beavers are lethally controlled under licence from NatureScot when trapping and relocation are perfectly possible, giving the lie to claims that "lethal control is used only as a last resort".

We have asked NatureScot more than once why they are choosing to operate in this way but received no answer. We strongly suspect that while NatureScot would prefer to take a more progressive approach to beaver management, they were instructed to develop a licensing system that does not create an impediment to the levels of lethal control that were being used prior to beavers attaining legally protected status in 2019.

Judicial Review verdict

The verdict of the Court of Session supported some of NatureScot's arguments, but most importantly found that it had 'erred in law' in the way it had issued beaver management licences. This means that every lethal control licence issued by the agency had been defective and issued unlawfully. Any new licence must now be issued along with clear reasons for issuing it on a case by case basis. Our legal advice is clear that these reasons must include an explanation of why a lethal control licence is issued in preference to non-lethal alternatives. The Court did not go so far as to say that NatureScot have erred in law in their current approach that does not prioritise translocation over lethal control, which is why this petition is before the Committee.

Opening for a win-win resolution

We believe that this verdict, by quashing NatureScot's previous licences and requiring transparent reasons to be applied to any new licences, offers an opening to the Scottish Government to reset the board and create a win-win situation for farmers, beavers and the wider benefits society gets from their presence in the natural environment.

A holistic approach to beaver management needs to include provision for farmers to secure meaningful income from providing wildlife habitat along our riverbanks. The existence of such habitat along waterways will not only dramatically reduce beaver

conflicts with farmland but it can also sequester carbon, increase biodiversity, improve water quality, mitigate drought and reduce downstream flooding.

We strongly support the principle that any proposed translocation must follow best practice by consulting with local communities that may be affected. We also support the continued availability of lethal control as a genuine last resort in beaver management. Changing policy to meet the statement made about beavers in the SNP-Green Party cooperation agreement by allowing NatureScot to licence beaver translocation to suitable habitat outside the current range will minimise the number of beavers that have to be killed, reduce pressure on affected farmers in Tayside and allow beavers to bring their positive climate and biodiversity impacts to a far greater area of Scotland.

SPICe

The Information Centre
An t-Ionad Fiosrachaidh

Briefing for the Public Petitions Committee

Petition Number: [PE1815](#)

Main Petitioner: Steve Micklewright on behalf of Trees for Life

Subject: Translocate Protected Beavers to Reduce Licensed Killing

Calls on the Parliament to urge the Scottish Government to initiate a programme to translocate protected beavers to suitable habitat outside existing beaver range, to minimise the need to kill animals adversely impacting arable farmland.

Background – beaver reintroduction in Scotland

The Eurasian beaver has been protected by law in Scotland since 1st May 2019, when it became a [European Protected Species](#) by virtue of [The Conservation \(Natural Habitats, &c.\) Amendment \(Scotland\) Regulations 2019](#). This decision was the culmination of a 10-year process starting with a trial reintroduction in 2009. It is the first example of mammal reintroduction in Scotland and marks the return of a species that was part of Scotland's native wildlife before becoming extinct around the 16th century.

[The Scottish Beaver Trial](#) began in Argyll in 2009, though it later became apparent that beavers were also present through unauthorised releases in the Tayside area. A 2018 [Scottish Natural Heritage \(SNH - now known as NatureScot\) survey](#) found that they were spreading and also found outside the Tay and Earn catchments, with an estimated population of 433.

Beavers act as 'ecosystem engineers' by building dams which create pools and wetlands. This can enhance biodiversity and slow water flow, assisting with flood management and water quality. However, their presence can also be controversial with land managers due to concerns about impacts on uses such as farming, via damage to drainage systems or flood banks.

The [Scottish Government set out its policy approach](#) when it decided that beavers should receive legal protection, also stating that beavers should be allowed to expand their range naturally, populations in Argyll and Tayside could remain, and that they should be managed to minimise impacts on land owners. In giving evidence to the Environment, Climate Change and Land Reform Committee on the Conservation (Natural Habitats &c) Amendment (Scotland) Regulations 2019 on 19 March 2019, [the Cabinet Secretary Roseanna Cunningham MSP said](#):

“We now anticipate that beavers will simply be allowed to spread naturally. We will not be attempting to formally contain them in certain areas, but neither will we be particularly incentivising them to spread further, and we will certainly not tolerate pop-up beaver populations in completely separate areas of Scotland.”

The Scottish Government had been under pressure from environmental and animal welfare groups to introduce the legislation. In December 2018, a group of organisations [sent an open letter](#) to the First Minister highlighting welfare concerns about unregulated culling, including shooting of pregnant beavers and beavers with dependent kits.

How have beavers been managed since becoming protected?

The Scottish Government’s decision to allow beavers to naturally spread meant they would need to become legally protected in accordance with the EU Habitats Directive, transposed into Scottish law by the [Conservation \(Natural Habitats, &c.\) Regulations 1994](#). This status means it became an offence to kill or injure a beaver or deliberately disturb them during breeding and rearing periods unless expressly permitted under licence.

NatureScot [have published a Management Framework For Beavers in Scotland](#) which sets out [guidance for land managers](#), and circumstances under which licences for interventions - including lethal control and removal of dams - will be issued. Management techniques to prevent beaver damage, such as protecting trees or removing newly-built dams, does not require a licence. NatureScot committed to provide free advice to land managers, and is developing a [beaver mitigation scheme](#) - trialling management measures with land managers from other parts of Europe (such as Norway) and North America.

Before granting a licence for lethal control or disturbing mature beaver dams, NatureScot must be satisfied that the following tests are met:

1. Licence purpose. Licences are required to prevent serious damage to certain interests such as crops, for health and safety or other important social, economic or environmental purposes.
2. Alternatives test. Licences must be issued as a last resort where other possible actions have been tried or are not likely to resolve the problem.
3. Conservation impact. Actions must not harm beavers’ conservation status.

The Cabinet Secretary for Environment, Climate Change and Land Reform also said [in a letter to NFU Scotland](#) in 2019:

“I can guarantee that any farmers experiencing or anticipating problems from beavers on prime agricultural land will be given licences to manage beavers if they are required and that these will be available in advance of protection being afforded.”

At the time of beavers becoming protected, environmental groups indicated that that lethal control must be a last resort, not a 'go-to solution'.

What level of lethal control of beavers has taken place?

On 28 May 2020, [NatureScot published a report on beaver management](#) stating there was a “challenging balance” between protecting beavers in Scotland and helping to prevent serious damage to some farmers' land.

The report set out that between 1st May and 31st December 2019, NatureScot issued 45 licences which permitted lethal control or dam removal, stating that they were “granted when there was no other effective solution to prevent serious agricultural damage”. Five of the licences permitted dam removal or manipulation only. All licences were issued for the purpose of preventing serious damage to agriculture and all but one of these (97.5%) were issued on land classified as Prime Agricultural Land. Evidence of serious damage was said to include waterlogged fields and crops, and erosion on riverbanks and embankments. One additional licence was granted to allow an ecologist to live-trap beavers. NatureScot refused 33% of licence requests.

Under the licences granted, 15 beavers were trapped and moved to either Knapdale or a trial reintroduction project and fenced sites in England, 83 dams were removed, and 87 beavers were shot by accredited controllers. The report also stated that all lethal control licence holders were contacted about the possibility of trapping, but live-trapping is not always possible for a number of reasons, including the nature of the site and how beavers use those sites.

Based on survey information, NatureScot estimate that lethal control and trapping has taken place within around 13% of territories, and the proportion of the overall range of beavers in Tayside covered by licences is “likely less than 10%, with control being carried out on around 5%”.

The report recommends continued work to explore alternatives to lethal control, improve understanding of the impact of control measures on the Tayside population, and recognise the benefits of beavers for nature. It also expresses hopes that as work with farmers develops, and the beaver population expands “away from high conflict areas”, there will be less need for control measures in the coming years.

A number of environmental groups expressed concern about the level of lethal control taking place when these figures were released, also arguing that based on 2018 survey information on national population size (an estimated population of 433 beavers), it appears that more than 20% of the population were culled in 2019.

The [Scottish Wildlife Trust for example said that this level of culling was “unsustainable”](#), and there should be a new “forward-looking strategy for beavers, which includes the potential for strategic reintroductions into other areas of Scotland” and “helps the species to spread into the 100,000 hectares of core habitat that have been identified throughout the country”. This refers to

a [2015 study by NatureScot](#) which identified a potential 105,586 ha of ‘core beaver woodland’ habitat across Scotland.

The animal welfare charity [OneKind](#) have called for a [more compassionate approach to beaver management](#) and requested that the Scottish Government increase its support for translocation. The charity [Scottish Wild Beaver Group](#) [has instigated an art project](#) to “commemorate the 87 beavers killed in 2019” and question whether lethal control is being employed as a genuine last resort. In response to a Parliamentary question in June 2020 on whether SNH (now NatureScot) had discussed welfare concerns in relation to beaver culling with the SSPCA, ([Question S5W-29089](#)), the Cabinet Secretary for Environment, Climate Change and Land Reform, Roseanna Cunningham MSP, said that SNH has held discussions with the SSPCA about examination of animals shot under licence and is considering a protocol for this process.

Some [concerns about potential illegal persecution have also been raised in the media](#) since beavers became protected. In response to a Parliamentary question in May 2020 asking what estimates have been made of any suspected illegal culling of beavers ([Question S5W-29083](#)), the Cabinet Secretary responded that SNH (now NatureScot) was not aware of any beavers that have been killed without a licence, but that “Police Scotland investigations are ongoing to ascertain if there have been breaches of the conditions of two licences that permit lethal control”.

The [National Farmers Union in Scotland](#) have said that in its first year of [operation](#), the licensing framework for managing beavers was “proving effective and fit for purpose”, allowing for the management of beavers in areas of productive farmland where the species has had a clear impact.

Is any translocation of beavers taking place?

Translocation involves people moving animals or plants from one area to another. For beavers it would usually involve trapping animals and releasing them into another area. Given their status as European Protected Species any translocation of beavers in Scotland would require a licence from NatureScot. The potential for translocation of beavers in Scotland is currently limited by Scottish Government policy, which is [described in a NatureScot document on beaver translocation](#) (part of its Management Framework):

“Given the Minister’s statement (see Annex 1) that the Scottish beaver populations should naturally expand in range from the two original populations, this means that in Scotland suitable receptor sites would have to be within the current range of beavers at that time. This is likely to mean that **translocation in Scotland would only be permitted within gaps in this range or to reinforce the existing Knapdale population**. Conservation translocation to areas outside of Scotland would only be acceptable as part of an approved project as described above.” (emphasis added)

As set out above, NatureScot reported that between 1st May and 31st December 2019, 15 beavers were trapped and moved to Knapdale (the site of

the original Argyll reintroduction) or to a trial reintroduction project and fenced sites in England. The report states that “NatureScot will consider opportunities for conservation translocations of beavers from high to low conflict areas within existing catchments to improve resilience of existing populations”.

More generally, a [Scottish Code for Conservation Translocations](#) was published in 2014 by the National Species Reintroduction Forum (chaired by NatureScot). The Code states:

“Conservation translocations, such as reintroductions, can provide a conservation benefit by increasing the number of individuals or places in which a species occurs. They can also offset biodiversity declines caused by habitat loss, climate change, or other human impacts on the environment. Many conservation translocations are low-risk. However, some have the potential for negative impacts on the environment and other land-uses.”

Specific considerations involved in translocating beavers (e.g. welfare factors, genetic diversity issues) are discussed in [NatureScot’s 2015 Beavers in Scotland report](#).

There have been [a number of projects involving conservation translocation in Scotland](#) involving species such as woolly willow, pine hoverfly, freshwater pearl mussel and white-tailed eagle.

Alexa Morrison
Senior Researcher
23 September 2020

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