



The Lifescape Project response to the 2021 English beaver consultation

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National Approach to Reintroduction

Consultation Proposals

A project proposal must provide evidence that the project has funding to cover all aspects of the reintroduction, including provision of advice and management of impacts. This funding must be in place for at least five to ten years.

A project proposal must provide evidence of substantial stakeholder engagement at all stages of project development, including landowners, land managers and those working in or using the water environment.

A project proposal must demonstrate significant benefits and that the risk of conflict is low.

A project proposal must include a Project Plan including funding streams, roles, responsibilities and planning and feasibility study for all aspects of the reintroduction.

A project proposal must include details of a Project Steering Group to support the project and must consist of a range of stakeholders with strong local ownership.

The proposed project must appoint a Local Beaver Officer to act as a local contact point, and support to stakeholders.

Text derived from original Defra consultation

Related Questions

Do you agree or disagree with the proposed approach to beaver reintroductions? Please state your reasons and supporting evidence. If you disagree, please provide any suggested alterations or alternatives and supporting evidence.

What criteria, in addition to those listed above, do you think projects should meet to be granted a licence for wild release? Please state your reasons and supporting evidence.

The Lifescape Project Consultation Response

While the Lifescape Project agrees with some of the proposals put forward, we have concerns about the proposed focus on the costs and perceived risks of reintroducing beavers.

The proposed approach is unnecessarily and unreasonably burdensome. In building the framework and guidance, the target outcome must be in favour of beaver releases in the wild. Moreover, it is important to stress that beavers have an overwhelmingly positive effect in terms of biodiversity and climate impact.

The suggestion that groups or individuals will need to have in place project plans and funding for 5-10 years to cover both foreseeable and unforeseeable costs, will in effect act as a deterrent and will discourage those who want to undertake such projects. This is a point of particular concern for us.

We understand this proposal to mean that throughout the 5-10 year plan, the project group would be financially liable for any mitigation actions required. It is also unclear if the project group will be held liable for damage caused to third parties by the reintroduced beavers. The wide-ranging liability inferred here, for mitigation and (if intended) will most likely discourage landowners from introducing beavers.

Beaver reintroduction in the wild is entirely aligned with and is a key step in achieving the government's biodiversity and environmental targets, thus imposing the liability conditions as outlined and as understood here, will undermine the government's improved biodiversity measures including those set out in the 25 Environment Plan. For example, the reintroduction of beavers will directly contribute to the aim of *"creating or restoring 500,000 hectares of wildlife-rich habitat outside the protected site network"*.¹

Furthermore, the reintroduction of beavers falls squarely within the forthcoming Local Nature Recovery and Landscape Recovery schemes.² Placing liability for perceived negative impact caused by beavers on third party property will directly go against the financial support which is envisioned as part of the schemes.

Beaver reintroduction will bring many financial benefits to landowners and communities, through reduction in flood risk and water pollution, as well as through ecotourism. Conversely, severe liability rules will prove detrimental to those positive impacts. The project plans should not be required to cover all financial liabilities associated with the reintroduced beavers, otherwise a risk lies in the discouragement of otherwise viable projects. Furthermore, landowners who are to benefit from the presence of beavers on their land, ought not to have their liabilities covered by the project which has implemented their presence there in the first place.

Should the government proposed guidelines include damage to third party land, such liability will represent a change in the legal liability regimes. Beavers reintroduced outside of enclosures are wild

¹ 25 Environment Plan, p. 26:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf

² The Path to Sustainable Farming: An Agricultural Transition Plan 2021 to 2024, pp. 31-33.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954283/agricultural-transition-plan.pdf

animals, and as such they are excluded from the regime set out in the Animals Act 1971, and outside the general tort law regime applicable to domestic animals. The government policy is that landowners are responsible for managing impacts of wild animals on their land (and the consultation acknowledges this in paragraph 86). If the liability rules of the reintroduction proposal are to be read broadly, then they would go significantly further than the current policy regime does, by suggesting that the individual or group releasing the wild animals will be liable for any impacts. Ascribing such strict rules on liability for third party damage of property will set an unhelpful and unproductive precedent for any future reintroduction of wild animals. Such reintroductions will support the government's plans for increased richness in biodiversity.

We encourage the government to consider how it can provide support to third party landowners, experiencing adverse impacts arising from the reintroduction of beavers on their land, through the Environmental Land Management Schemes or through the Local Nature Recovery and Landscape Recovery Schemes.

Lastly, appointing a local beaver officer per each reintroduction project is unrealistic and unnecessary. A role which covers multiple projects on a regional or sub-regional level would be more feasible, as well as beneficial in terms of knowledge transfer. These roles should also be supported through central government funding.

Related Question

What criteria, in addition to those listed above, do you think projects should meet to be granted a license for wild release? Please state your reasons and supporting evidence.

The Lifescape Project Consultation Response

Projects should demonstrate that habitat suitability has been considered by relevant experts and it has been determined that the proposed release site and catchment area are suitable for the needs of beavers.

Existing Wild-Living Beaver Populations

Consultation Proposals

These existing beaver populations in England will be permitted to remain and will be subject to management in the same way as other beaver populations when not covered by a Project Plan.

For some existing wild populations, local stakeholders have started to set up management groups to support the public and provide advice. We encourage such partnerships to form around these populations to enable stakeholders and the public to become used to living.

Text derived from original Defra consultation

Related Question

Do you agree or disagree with the proposed approach to existing wild-living beaver populations? Please state your reasons and supporting evidence. If you disagree, please provide any suggested alterations or alternatives and supporting evidence.

The Lifescape Project Consultation Response

Beaver populations should be permitted to remain where they have established themselves throughout England with an added protection of the European Protected Species status under the Conservation of Habitats and Species Regulation 2017 (CHSR).

Current and Future Beaver Enclosures

Consultation Proposal

We propose to continue permitting releases of beavers into enclosures; however, conditions of licences will be tightened to focus on the clear benefits of a project.

A project should contribute to the knowledge base for beavers. This could include research on a specific impact or a particular management technique.

The licensing of an enclosure project does not provide any guarantee that a license will be granted subsequently for wild release. If a current enclosure project wishes to move towards a wild release, they will be expected to demonstrate how they meet the criteria for wild release, including demonstrating that a wild release into the area will bring substantial benefits with a low risk of conflict.

Text derived from original Defra consultation

Related Question

Do you agree or disagree with the proposed approach to licensing of future beaver enclosures? Please state your reasons and supporting evidence. If you disagree, please provide any suggested alterations or alternatives and supporting evidence.

The Lifescape Project Consultation Response

Although Lifescape Project is supportive of a move from enclosed to wild release, we disagree with the consultation proposal and find it unclear as to why the rules for beaver releases in enclosures should be tightened further. Beaver releases into enclosures should be encouraged and supported as they play an integral part in the reintroduction of these animals to the wild, as well as in their reintroduction to local individuals and communities. Releasing them in enclosures allows for the latter to learn to live alongside beavers and to understand the benefits they can bring.

As there is already a very well-developed knowledge base about beavers in the UK, it will be unduly burdensome for new enclosure release projects to have to satisfy the requirement put forth by the proposal that new projects need to contribute to this knowledge base, with further data. The data collected through the River Otter beaver trial, the Scottish beaver trial and numerous examples from Europe is vast enough to render such a requirement on new projects unduly burdensome.

Furthermore, the consultation should clearly define certain key terms and phrases used, which can be instrumental in interpreting its guidelines. These terms include ‘*substantial benefit*’ and ‘*low risk of conflict*’.

Related question

What criteria do you think should be taken into consideration when determining whether or not to issue an enclosure licence?

The Lifescape Project Consultation Response

Important criteria which ought to be taken into consideration are the size and nature of the habitats available in the enclosure, as beavers need to have access to extensive suitable habitat in order to act as a catalyst for biodiversity recovery and ecosystem service delivery.

Another crucial aspect is the consideration about the beaver offspring, specifically when this happens and the capacity of the enclosure has been reached – this should be considered as part of the licencing process at the initial stages of a project

It is important to provide education and engagement programmes for local communities in order to provide them with the understanding and appreciation of the vital role that beavers have within an ecosystem, and the benefits they can bring.

Management

Consultation Proposal

We intend to make beavers a European Protected Species by listing them in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. Therefore, if an individual wants to undertake management activities which would otherwise be prohibited, they will be required to apply for a licence from Natural England.

This management framework should proceed stepwise from avoidance or tolerance of impacts, to least to most harmful actions, with interventions such as moving beavers to other areas (translocation) or lethal control considered only as a last resort.

A management hierarchy for beaver could include the following steps:

Avoid or tolerate negative impacts, such as:

- Allowing space for potential impacts, for example by creating buffer zones along the side of watercourses where valuable crops or trees are not planted.
- Exploring financial incentives available for landowners to make space for environmental benefits provided by beavers.

Use legal management or mitigation methods if negative impacts cannot be avoided, including:

- Protecting trees of value from felling with tree guards or anti-beaver paint.
- Fencing to exclude beavers from undesirable areas.
- Protecting banks from burrowing impacts.

If unavoidable and other solutions are not satisfactory, apply for a licence to undertake actions including:

- destruction or modification of dams, lodges and burrows,
- translocation or
- lethal control

Translocation of beavers or lethal control must only be considered as a last resort, however in circumstances where this is unavoidable, licences may be obtainable.

Text derived from original Defra consultation

Related Questions

Does the management hierarchy cover management actions you would expect? Are there additional aspects that you think should be included in the management hierarchy?

The Lifescape Project Consultation Response

The critical point of the management hierarchy is the requirement imposed on persons to exhaust each step before proceeding to the following one. In order for human populations to learn to live alongside reintroduced wild beavers, the avoidance and tolerance of the “negative” impacts inflicted by the latter is an important step of the hierarchy. Thus, it is important that government funded support is made available for the avoidance and/or tolerance of any negative impacts caused by the reintroduced beavers. The work by Roisin Campbell-Palmer *“The Euroasian Beaver Handbook: Ecology and Management of Castor Fiber”* advises precisely this, and it is seen as the authoritative guidance on the issue.

Landowners should be made well aware that taking actions, such as avoidance, tolerance and legal mitigation is frequently cheaper and more efficient than lodging applications for translocation or lethal control, both of which can often take extended periods of time to approve.

In the event where those activities not requiring a licence prove inefficient, then Natural England ought to apply a hierarchy within the licensable derogation activities which must be adhered to by the landowners. Natural England should always license the least harmful derogation, so as to be in line with the overarching species protection objectives of the CHSR.

Translocation should only be explored in the instance where the destruction of dam, lodge or burrow has proven insufficient, prior to and instead of using lethal control. The translocation option of beavers will, in most instances, prove to be an efficient method of resolving the issue at hand, with not conceivable necessity for the application of lethal control, bar in extreme circumstances. Such circumstances may occur when trapping is not possible, or when an urgent action is needed and translocation proves to be too time consuming. The effectiveness of translocation has been demonstrated with experiences in Scotland where translocating the beavers far away from the problematic area has proved effective.

Translocation also protects both the specimens in question (better reflecting their sentience as wild animals which is soon to be enacted at law pursuant to the progression of the Animal Welfare (Sentience) Bill 2021-2022) and the wider species (the Eurasian Beaver is currently listed as critically endangered under the IUCN list).

Adopting an approach which provides for a hierarchy of steps to be undertaken in order from least infringement is one which can strike the correct balance between the protection of beavers and the permitted purposes of beaver management set out in regulation 55(2) CHSR. The management hierarchy is legally required to fulfil this criteria as regulation 55(9) states that the relevant licencing body may only grant a licence to permit an otherwise prohibited action where there is no satisfactory alternative.

A site visit by a qualified specialist should be made a pre-condition of the award of any licence so that

the necessary evidence is collected to allow Natural England to licence the correct management activity in each case. Each licence awarded should be substantiated by Natural England with a reasoning as to how and why it fulfils the necessary criteria of regulation 55 CHSR.

Government Policy and Support

Consultation Proposals

Government policy is that it is the responsibility of landowners to cover the costs of managing impacts of wild animals on their land. In line with this, Defra will not provide direct payments for management of negative impacts of beaver activity or pay compensation.

Natural England and Defra will host advice through gov.uk which will cover applications for reintroduction projects as well as management.

Any project applying for a wild-release license will be required to have a Local Beaver Officer for the duration of the Project Plan. Local Beaver Officers will act as a focal point, providing advice and undertaking management as required.

We are working with stakeholders and end users to determine the specific land management actions that will be paid for through the Sustainable Farming Incentive, the Local Nature Recovery scheme and the Landscape Recovery scheme. 'The Path to Sustainable Farming: An Agricultural Transition Plan 2021 to 2024' sets out examples of the types of actions that we envisage paying for under the schemes, including creating, managing and restoring habitats such as wetlands and freshwater habitats.

Text derived from original Defra Consultation

Related Questions

Excluding direct payment for management activities, what other support do you think should be available and to whom?

The Lifescape Project Consultation Response

We recommend that the Environmental Land Management Scheme include specific provisions which provide financial support focused on the benefit of beaver reintroduction based on the value of the benefits provided. The Scheme can also be used to provide a "positive" conservation payment for landowners who's land may be impacted by beaver reintroduction.

Related Questions

Are there any specific areas where guidance is required? Please provide details.

The Lifescape Project Consultation Response

We recommend that a guidance ought to be issues to any bodies which have been licenced by Natural England to carry out management activity under regulation 50 CHSR. The Guidance should address the below aspects, among other things:

- Reminders of tolerance and avoidance steps which should always be explored before carrying out licensed activities, even in cases where a licence has been issued;
- The steps of the management hierarchy and the importance of following these;
- How each management method should be carried out to both effectively address the issue whilst causing the least disruption to beavers as possible? Details to include:
 - o Maximum frequency and/or duration of activities;
 - o Recommended and prohibited equipment for the activity;
 - o Optimal timings for the activities; and
 - o Specific techniques (where applicable),
- Contacts for further advice; and
- Details of the type of financial and practical support available for those impacted by beaver activity.

Related Questions

Would you (or an organisation you are involved with) consider preparing an application for wild release, if the approach proposed in this consultation became national policy? If yes, please provide the general location where you might consider applying for such a release.

The Lifescape Project Consultation Response

Our organisation is already working on repairing guidance on the legal issues associated with rewilding, and we expect that this may expand and focus more concretely on the respective issues associated with beaver reintroduction projects.

Our concern is that the proposed conditions in this consultation will prove to be far too burdensome on any groups which would like to submit proposals for beaver rewilding projects. From our

standpoint, we would not be capable of running such a project should the outlined financial requirements and liabilities be adopted.