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Trial Reintroduction of Eurasian Beaver on the River Otter, East Devon

The NFU represents more than 55,000 farming and growing members and in addition some 40,000 countryside members with an interest in the countryside and rural affairs. In Devon the NFU represents 3,500 farm holdings and a significant number of the holdings within the River Otter catchment. Any release of European beavers has the potential to impact, depending on the outcome of the pilot, on farmers as the land managers who manage the countryside across the whole of England due to the implications of various wildlife regulations at a national and European level. In particular the pilot will impact on the ability of land managers and farmers in the River Otter Catchment to manage their land.

Background

Natural England is consulting on a licence application from Devon Wildlife Trust to release beavers on the River Otter. This would be for a trial project for five years.

Summary of NFU Position

- **The NFU is opposed generally to species re-introduction programmes.** Resources can be used more effectively to improve existing biodiversity.
- **The NFU specifically opposes the re-introduction of the European Beaver because of concerns about the damage to farmland and farming operations caused by their physical activities and the risks of them spreading disease.**
- If despite our concerns, licences are granted for re-introduction in specific locations, **there must be a robust legal framework in place to manage beavers in the landscape**, in particular where they migrate away from the area into which they were re-introduced.
- **If the trial is to go ahead, the legal status of beavers must be clear before the trial starts and must not change during or immediately after the trial.** The NFU believes the current legal status of the beaver as 'not ordinarily resident in Great Britain' must be retained. If there is a risk that the Eurasian beaver becomes a protected species in England in the near future it is imperative that the process for licenced management, derogations and exceptions within the various regulations is dealt with before any pilot is commenced. Land managers need to be clear on the management they are allowed to undertake at any point during the trial.
- **Before any licence is granted to permit beaver releases, there should also be a clear plan in place to deal with any adverse consequences of any re-introduction**, with a clear management framework and exit plan. The exit plan must be future proofed and be effective even if there are changes to the legal status of beavers.
- **Land managers and key stakeholders must be consulted on and agree** with the details of the licence, legal framework and management plan before any trial can start.

Consultation Questions

The Natural England consultation poses the following questions:

- **Question 1:** Please indicate whether or not you believe you will be directly or indirectly affected by the trial release of beavers on the River Otter and, if so, in what respect
- **Question 2:** Please comment on any benefits or opportunities you believe that the trial might offer.
- **Question 3:** Please comment on any negative impacts you believe may arise from the trial and how these should be dealt with.
- **Question 4:** If the trial went ahead, please give us your views as to whether or not you would like to see beavers remain on the River Otter after the trial (if the trial is regarded as being successful).
- **Question 5:** Overall, do you support or oppose the issue of a licence to permit the trial reintroduction of beavers on the River Otter?

The NFU has not attempted to answer each question in order as the structure does not allow us to explain our concerns. The text below does answer these questions.

NFU Response

The NFU represents farmers across England, including farmers directly affected by the proposed trial. From the NFU's perspective this is both a **national and local consultation**. As a national consultation we would have expected this to be a public consultation hosted on a government website and national organisations such as the utility companies, Highways Association, Association of Drainage Authorities and DCLG to be consulted. It should be noted that the real impact for beavers is not in the immediate future but in 15 to 20 years. Therefore, there would be likely implications on national infrastructure such as roads, rail and flood defences and that any damage must be remedied and any liabilities paid for.

The proposed trial has national implications for the future status of beavers in England, should the pilot be deemed successful, and will set a precedent should other licence applications come forward for re-introduction trials. In that context the licence application by Devon Wildlife Trust should be fully considered and researched before a decision is made. It is important that land managers in and around the trial area together with national stakeholders have full information shared with them and concerns addressed before a decision on the licence is reached. The focus must be on making the right decision and, if required, developing a fully considered licence over meeting artificial timescales. Getting these aspects dealt with before the pilot commences will ensure that farmers and landowners have confidence in the future legal status of beavers and therefore how they can be managed in any catchment in England.

There are implications for land managers along the River Otter. They need to fully understand the impact of the decision on their business. They need to understand the disease risk posed by beavers and the legal constraints they will be operating within as part of the trial. At this stage, land managers in or near the trial area are not fully informed about how the trial impacts on their land management or how they can manage the beavers should there be negative impacts.

The legal status of Eurasian beavers is not clear now or in the future. If a licence is to be granted, the legal status of beavers must be clear before the trial starts and must not change during or immediately after the trial. The NFU believes the current legal status of the beaver as 'not ordinarily resident in Great Britain' must be retained, providing the ability to manage beavers. For the same period, land managers inside and outside the trial area must have clarity about how beavers and their habitats can be managed. These arrangements must be agreed with land managers and key stakeholders before the trial can start. If there is a risk that the Eurasian beaver becomes a protected species in England in the near future it is imperative that the process for licenced management, derogations and exceptions within the various regulations is dealt with before any pilot is commenced. Land managers need to be clear on the management they are allowed to undertake at any point during the trial. Land managers views must be paramount must retain the freedom to manage their land and the species on their land as they see fit.

If Natural England is minded to grant a licence, it is important to ensure that all the NFU's concerns at national and local level are fully addressed, including the beavers' legal status throughout the trial period and management requirements, before the pilot commences.

NFU Position

The NFU specifically **opposes the re-introduction** of the European Beaver because of concerns about the risks of damage to farmland and farming operations caused by their physical activities and the risk of spreading disease. This becomes more relevant as new and emerging exotic diseases continue to threaten our native animals and wildlife. European beavers can act as disease vectors between wild and/or domesticated species. The current legal framework is not robust enough to allow effective management of beavers in the landscape where these issues arise; there are simply too many issues which need to be addressed, such as those set out below, before re-introduction can even be considered. That legal framework could change, creating yet more uncertainty, if the Eurasian beaver is considered to be 'ordinarily resident' in Great Britain. This raises the same questions, as those above, about allowing effective management of the species.

If Natural England is minded to grant a release licence, there needs to be a robust, transparent, legal framework that provides for management and control of beaver that is appropriate now and in the future (at least 20 years' time) across the whole of Great Britain in place before the trial commences. This should be agreed by NFU and key stakeholders. The effectiveness of this legal framework must be one of the success criteria for the pilot.

Beavers could have **serious impacts on farmland through wetting up** the local area, reducing productivity, and beavers put flood defences, communities, land and property downstream at risk. This was demonstrated by the accidental release of Coypu, also a rodent of similar size to a Eurasian beavers, in East Anglia in the 1980's. The Coypu caused serious damage to drainage infrastructure and embankments. This resulted in a concerted programme by Government, supported by farmers, to eradicate Coypu at great costs. Similar damage has been seen in Europe where they are resident. The serious impacts that beavers could cause are:

- **Beavers will burrow near watercourses** and can go up to 20m into an adjoining land. The burrows are very shallow which can cause issues with farm machinery such as combine harvesters falling into collapsed holes causing costly damage.
- **These excavations can weaken flood defences and river embankments** potentially leading to breaches risking life and property. This is especially a concern if beavers were to spread to extensive low-lying areas such as the Somerset Levels. There are engineering solutions to protect flood defences but these can be costly and will require regular inspection and maintenance. Given the current constraints on Environment Agency budgets, it is unlikely that repair of any breaches in rural areas will be a high priority – resulting in greater rural flooding by default.
- **Material felled and gathered by beavers can create flood risk downstream.** The felled material becomes dislodged during high flows and becomes trapped under and around pinch points such as bridges and culverts. This could represent a significant risk to life, property and agricultural production especially in rapid response catchments.
- **Beavers block culverts and pipes where there is flowing water.** Blockages can put at risk road safety, irrigation and sewerage as well as property and land drainage. Solutions require regular clearance.
- **Local flooding can be an issue on low-lying land.** Dams can lead to the loss of farm tracks, backing up of water in low lying ditches resulting in raised water tables for several km and

prevents drainage. Depending on position of the dam in the catchment, there may also be potential for flooding on a larger scale and backing up upstream.

There are **disease risks** that are potentially very serious for animal and human health caused by beavers:

- **The beavers' habitat potentially provides increased breeding grounds for disease vectors such as mosquitoes and midges.** New exotic diseases are becoming ever more of a threat to the UK with climate change enabling native insect species to become competent vectors within transmission cycles. Bluetongue and African Horse Sickness are two such disease concerns. These are transmitted by biting midges from the *Culicoides* family. These insects like wet, moist conditions to breed, whilst mosquitos which can transmit some of the more exotic blood borne pathogens which are increasingly a threat to northern European countries, actively seek out standing water in which to lay eggs. The beavers' habitat potentially provides increased breeding grounds for disease vectors such as mosquitoes and midges.
- **Disease transmission from beavers to livestock.** The beaver completes the tapeworm lifecycle for *Echinococcus Multilocularis*, leading to a disease *alveolar echinococcosis* which causes severe illness in humans and farmed livestock.

The current English **legal framework is not robust** to allow effective management of beavers in the landscape. The legal framework **must allow active management of beavers** now and in the future, should the legal status of the beaver change. If Natural England is minded to grant a release licence, then the legal provisions must be in place before the trial commences and fully agreed at a national level. The legal provisions must not change during, or immediately after, the trial.

Beavers have no natural predators in the UK, and experience of European beavers on the continent shows that it is important that populations are managed. Management was required in both the short term and long term i.e. 20 years' time. This was also demonstrated by the accidental release of Coypu in East Anglia. There are a number of reasons why management is required, including to control disease within the beaver population and to control the risk of diseases spreading to other species in the area (potentially including humans). Management may also be required to prevent serious risks to homes, businesses and environmentally important sites (such as SSSI, SACs and SPAs).

Under the current regime there is a risk that, if beavers are considered to be legally established within the territory of the Great Britain, it may become difficult to manage beaver populations. This could be due to decisions in Scotland to allow beavers to remain in the wild following their trial or as a consequence of allowing the Devon trial going ahead. Legally this could change the status of beavers to being regarded as 'ordinarily resident in Great Britain' leading to the Eurasian beaver being a protected species in England. Before any beavers are intentionally released into the wild the NFU wants Government to ensure that beavers cannot attract any of the protections normally available to native species. There is currently too much uncertainty surrounding the practical effects and consequences of beaver release to risk populations attracting any protection which could make management of populations difficult.

Given the favourable conservation status of Eurasian beavers at a European level Defra could argue that beavers did not require the protection afforded by the Habitats Directive as part of the review of the Habitats Directive. Removal of this species from the Habitats Directive would remove uncertainty about the future legal status.

Experience in Europe demonstrates that it is essential that populations of beavers and their habitats are managed. Before a licence is granted there must be a clear management framework in place to ensure that landowners and occupiers are able to take prompt action to manage beaver populations and their habitats when it is necessary to do so, without the need to apply for licences. Also, the management framework needs to establish who is responsible for carrying out any necessary population

management, so that if a problem (e.g. a disease outbreak) does arise, it is clearly set out. It is vital that this does not fall solely on landowners; those responsible for the project should be required to take such actions when necessary, with a quick, clear and simple process to compel action available as a backup. The management framework for the pilot needs to be agreed with land managers and key stakeholders.

There must be clarity about where liability for the beavers lies. UK law has recognised that landowners can be liable for the implications that their activities have on their own land on others in certain circumstances (e.g. under the law of nuisance or *Rylands v Fletcher*). It is unlikely that the impacts of beaver releases will be confined to the land on which the animals are released; the beavers will be able to relocate onto other land, and some impacts of their presence (e.g. altered water flows) may also be felt by neighbouring landowners. Steps must be taken to ensure that landowners do not become liable for any of the consequences of beavers being released simply by consenting to the animals being on their land or being affected by the beavers released as part of the River Otter trial.

Before any licence is granted to permit beaver releases, there should also be a clear plan in place to deal with any adverse consequences of any re-introduction, with a clear management framework and exit plan. This must include details of compensation and a process for arriving at a fair valuation of damage.

The exit plan must be future proofed and be effective even if there are changes to the legal status of beavers. The NFU would expect one aspect of the trial to include the development of a process and guidelines for compensation to farmers, landowners and others for damage to their assets. This must be legally enforceable. This must be a key milestone and outcome for the pilot and failure to reach agreement on this should be considered a reason for failure for pilot.

The decision on whether Eurasian beavers remain on the land at the end of the trial must require the consent from land managers. If the pilot fails to achieve its outcomes and meet the success criteria then there must be an exit plan that provides for the removal of beavers during the trial, if the need arises, and at the end of the trial. Managing public expectations of the trial must be the responsibility of the pilot project management group.

Those responsible for the re-introduction programme should be responsible for any consequences arising out of the release project, and should be required to have adequate insurance in place to cover any potential liabilities arising out of the project. Furthermore, funds need to be secured and available to finance the full costs of the trial, management of beavers and exit plans.

Removal of beaver dams must be possible, particularly where the dam is leading to localised issues such as wetting up of farmland or creating a greater risk of flooding downstream and damage to infrastructure. It should be possible for dams to be removed in order to allow the movement of migrating salmonids or retention of suitable spawning grounds. Dam removal will need to be possible within and outside the trial area, even if the legal status of beavers changes during the trial period.

The Application and Licence Process

In the NFU's view any licence applicant needs to be clear in any public facing communication about the need for future species management and exit strategies, which might have to include culling. Indeed, Natural England's own publication 'the feasibility and acceptability of reintroducing the European Beaver to England' states 'Any reintroduction plans must involve extensive public consultation, backed by trustworthy information about the management and likely environmental impacts of reintroduced beaver.' It is the NFU's view that future species management is such an important factor that it absolutely must not be outweighed by public opinion. If the trial goes ahead there must be an enforceable licence requirement that publicity about the trial locally and nationally is balanced. This must be overseen by an independent group to the pilot partners and the independent group's view must be acted upon.

The Natural England consultation question asks for views on Eurasian beavers remaining in place after the trial. At this time this question is irrelevant and miss-leading. The consultation does not state beavers remaining in the wild at the end of the trial could change their legal status, thus having significant impacts that are not fully understood because the legal framework is unclear. At the public consultation led by Natural England on the 14th January those present had no understanding of the long term implications of the UK and European legal framework. This aspect is central to the whole pilot and has in no way been explained or communicated.

The important question is 'what are the success criteria?' The NFU must have the opportunity to comment on the success criteria for the trial to ensure that consideration is given to the economic impacts for land managers in the area. The success criteria should include an assessment of the effectiveness of the management framework, governance of the trial and the working relationships with land managers. These criteria also need to take in to consideration the type the catchment being used in the trial, future impact say in 20 years and potential impacts in other catchments. Experience in Europe demonstrates the negative impacts from beaver can occur many years after the trial. Furthermore, the decision on whether Eurasian beavers remain on the land at the end of the trial must require the consent from land managers.

At this stage, it has not been articulated to land managers what management of beavers would be allowed inside the trial area or in the wider countryside. Before any licence is granted to permit beaver releases, there should also be a clear plan in place to deal with any adverse consequences of any re-introduction, with a clear management framework and exit plan. The exit plan must be future proofed and be effective even if there are changes to the legal status of beavers. The exit plan needs to provide for the removal of beavers during the trial, if the need arises, and at the end of the trial.

There has been no information shared on the trial governance structures are or where responsibility sits for the trial. Clear governance is a fundamental part of the clear management strategy as part of any release project, so that if a problem (e.g. a disease outbreak) does arise, it is clear who is responsible for carrying out any necessary population management. Those responsible for the project should be required to take such actions when necessary, with a quick, clear and simple process to compel action available as a backup. It needs to be clear who makes the decision when management is required or which exit plan is implemented and on what criteria. All of these issues need to be addressed and land managers and key stakeholders need to be satisfied with the arrangements before a licence for the decision on trial is made.

The NFU believes there is a need for a national group, independent of the trial, to consider the legal framework, management arrangements and compensation issues should the status of the beaver change as a result of the pilot being successful. The output of this group must be one of the success criteria for the pilot. Their work should conclude within three years. This would allow enough time to exit the trial, should the group fail to produce agreed outputs, or allow land managers and Government to prepare for beavers being protected in the future.

If Natural England, despite our concerns, grant a licence to DWT it should be a condition of the licence that the re-introduced beavers are those caught and tested clear by the Animal and Plant Health Authority (APHA). The consultation has not considered relevant issues for beavers from other areas to be used. No information has been shared on the provenance of the beavers, costs, timeframes and quarantine holding facilities. These areas, and others, are actions that need to be taken as part of any plan to re-introduce Eurasian beavers according to Natural England's 2009 study on 'the feasibility and acceptability of reintroducing the European beaver to England'. This is based on IUCN guidance.

As a trial, if it goes ahead, it will have surveillance and monitoring requirements. The NFU has no information on how the impacts on land managers will be assessed during the trial both economic impacts and those which affect land management. Land managers in the area will need to know what monitoring is required and how frequently to understand the impact on their business and manage

access to their land. They would need this information before giving DWT permission to access their land.

If Natural England, despite our concerns, grant a licence to DWT conditions of the licence should cover the points raised through in this response. That is:

- Outline the Governance structures.
- Clarity about where liability for the beavers lies
- Have a clear plan in place to deal with any adverse consequences of any re-introduction
- Have adequate insurance in place to cover any potential liabilities arising from the project
- Have sufficient funds in place to cover the full costs of the trial including exit plan which could be removal of the beavers.
- Have management framework in place that has been agreed with land managers and key stakeholders.
- Have a clear transparent exit plan.
- Have defined success criteria.
- Provide clarity to land managers in the trial area what management of beavers they can undertake.
- Require balanced publicity about the trial

These points highlight the lack of information about the trial. If Natural England is minded to grant a licence the NFU wants to be consulted on the draft licence to ensure land managers concerns are taken in to account. As with other species licences there should be greater transparency and more information available on the licence requirements.

Conclusion

The NFU specifically opposes the re-introduction of the European Beaver because of concerns about the risks of them causing damage to farmland and farming operations as a result of their physical activities and also the risk of them spreading disease.

If, despite our concerns, licences are granted for re-introduction in specific locations, there must be a robust legal framework in place to manage beavers in the landscape, in particular where they migrate away from the area into which they were re-introduced.

If the trial is to go ahead, the legal status of beavers must be clear before the trial starts and must not change during or immediately after the trial. The NFU believes the current legal status of the beaver as 'not ordinarily resident in Great Britain' must be retained. If there is a risk that the Eurasian beaver becomes a protected species in England in the near future it is imperative that the process for licenced management, derogations and exceptions within the various regulations is dealt with before any pilot is commenced. Land managers need to be clear on the management they are allowed to undertake at any point during the trial.

Before any licence is granted to permit beaver releases, there should also be a clear plan in place to deal with any adverse consequences of any re-introduction, with a clear management framework and exit plan. The exit plan must be future proofed and be effective even if there are changes to the legal status of beavers.

Land managers and key stakeholders must be consulted on and agree with the details of the licence, legal framework and management plan before any trial can start.

End