

Appendix 8

Considerations Regarding Legal Protection

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Considerations Regarding Legal Protection

The Core Principles that underpin the Beaver Management Strategy Framework provide the foundation from which legal protection of beavers may be considered and clarified by Defra.

Legal protection of animal species is often a highly controversial and contested issue which can polarise views from different stakeholder groups. This is clearly illustrated by the public perception survey which show how views on protection vary depending on the respondent's level of support for beaver reintroduction (Please refer to Figures 8.1 and 8.2 below). This is in part influenced by widely held views and experience in land management sectors that species protection often correlates with excessively complex and inflexible licencing systems.

Throughout the period leading up to the ROBT and its subsequent delivery those stakeholders who articulated anxieties regarding beaver reintroduction stated they would be more accepting of their long-term future if they were given the ability, or be supported, to pragmatically manage any serious conflicts which arose in a timely fashion and with minimal cost.

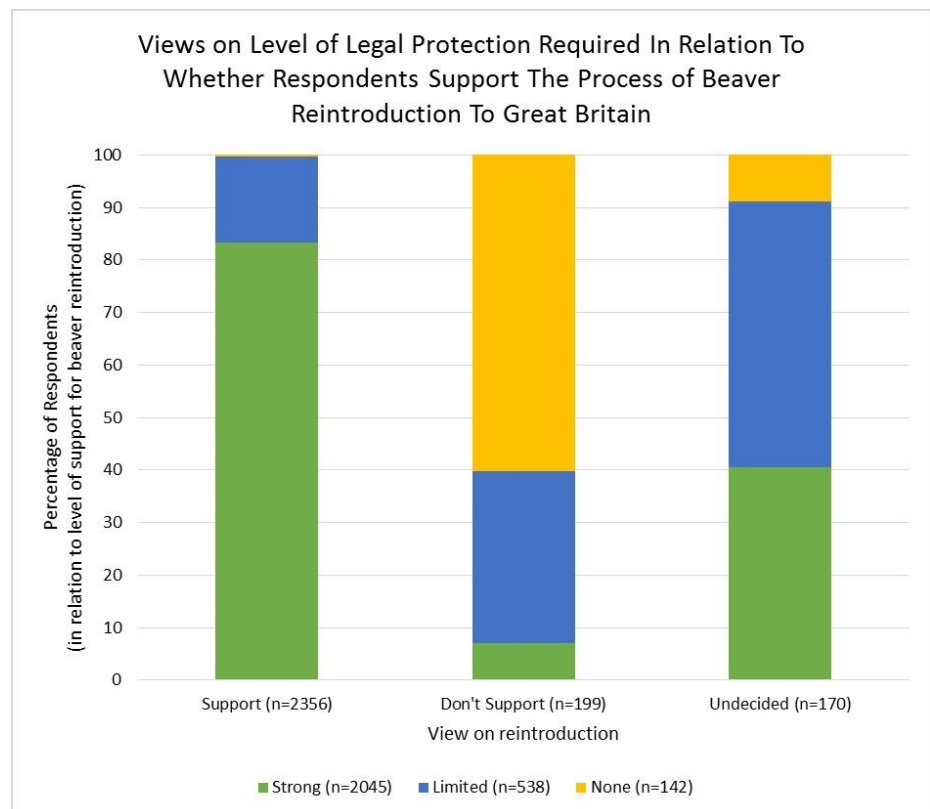


Figure 8.1 – Respondent perception on level of legal protection in relation to support for beaver reintroduction

These views need to be considered alongside those held by special interest or animal welfare groups which wish to see species such as beavers afforded protection which restricts invasive management interventions.

The facts regarding species protection and licencing are however much more nuanced. For example, all wild bird species are protected in the UK but general licences permit the killing of specific 'pest' and 'quarry' species in specific circumstances. Licences are therefore able to be granted to achieve the desired species conservation status outcomes or comply with the relevant legislation.



It is recognised that the issue of the legal status of beavers is controversial. A clear societal consensus on the appropriate protection that may best serve the reintegration of the species into the riparian landscape is hard to achieve.

Beavers could be at risk of targeted persecution and their populations may be seriously impacted by any concerted effort to reduce their abundance. However excessive levels of protection and impractical administration will serve to increase resentment and levels of avoidable conflict from within, and between, key stakeholder groups

There are differences in opinion within the Steering Group regarding legal protection for beavers. Some members consider it crucial that beaver populations are given carefully targeted and specific protection to secure their positive conservation status and welfare.

This formal recognition would also enable this proposed Management Strategy to be embedded within a legal framework. Beaver Management Strategy Framework for the River Otter (post 2020). Other Steering Group members do not however agree that protection is required and felt that it may be counter-productive and risk alienating key stakeholder groups.

There is unanimity in the need to ensure pragmatic, efficient and timely resolution of significant conflicts when they occur, fully reflecting the management hierarchy.

It is recognised that any decision regarding legal protection of beavers or their habitats will be based on the interpretation of the Habitats Directive. (*Directive 92/43/EEC*) and precedent set elsewhere in the UK and EU.



Figure 8.2 - Qualitative responses to public perception questionnaire on legal protection

Reasons Given By Respondents For Views On Required Levels of Legal Protection If Beavers Are Reintroduced To Great Britain		
<i>N = the number of usable comments, n = the number of reasons left within the comments</i>		
Protection Level	Reason	% of n
Strong <i>N=1779</i> <i>n=1975</i>	Protect beavers from persecution and cruelty	38.78
	Strongly protected to begin with to establish a population and research	15.29
	Sustain [vulnerable] population of beavers and habitat	13.27
	Threat from opposition groups to beavers	7.90
	Should have same protection as other species	5.57
	Need for only legitimate management	4.96
	People have little knowledge about or misunderstand beavers	4.35
	We have a duty/need to protect them	3.04
	Beavers provide many benefits	1.82
	Prevent the same fate as badgers/birds of prey/foxes	1.77
	Protection means public acknowledgment that beavers are important	1.16
	Economic interests will overrule environmental concerns without protection	0.91
	Already protected in Scotland/existing legislation	0.35
	Affection for beavers	0.20
	[Current] monitoring costs are high	0.20
	Strong protection is still not enough	0.15
	Government/public attitudes to wildlife can't be trusted	0.15
	Easier to weaken strong protection than the other way around	0.05
	Don't know	0.05
Limited <i>N=433</i> <i>n=574</i>	Beavers would require management	49.83
	Protect beavers from animal cruelty, harm or disturbance	11.50
	Protected to begin with to establish a population	8.19
	Protected as much as other species	3.48
	There are negative impacts/Need to support people negatively affected	2.61
	Sustain the population of beavers post-reintroduction	3.83
	Too much protection is counter-productive	3.31
	Strong protection divides stakeholders	3.48
	A situation like the one with badgers should be avoided	2.26
	Beavers need protection [broadly]	3.48
	Protection is a challenge to enforce or unnecessary	1.39
	Need further research	0.70
	Protection should be relevant to the local area	0.52
	Promote acceptance of the animals	1.39
	Should be protected in reserves	0.70
	Should have ability for sustainable harvest of beavers	0.70
	Emphasis should be on education	0.35
	Shouldn't be reintroduced if legal protection is needed	0.17
	Persecution is unlikely	0.17
	Protect financial investment in project	0.17
To allow ecotourism to reach its full potential	0.17	
Protect beaver populations rather than individuals	0.17	
Respondent feels they don't know enough	0.70	
There is no choice	0.52	
Illegal introductions shouldn't be tolerated	0.17	
<i>NB. In 63/433 (14.55%) of comments (N) limited protection was seen to be a balance between a reason that beavers need protection and the need for management. The reasons given are included above as appropriate.</i>		
None <i>N=113</i> <i>n=129</i>	Legal protection makes it difficult to undertake management where necessary	29.46
	Affected people/landowners should be able to take action themselves	18.60
	Beavers would be a problem	13.95
	Beavers should not be reintroduced	10.08
	Beavers should be as protected as other species	6.98
	A situation like the one with badgers should be avoided	5.43
	Beavers should be killed	4.65
	Legal protection should not be needed	3.10
	Beavers are not a native species	2.33
	Focus should be on current species	1.55
	Waste of [taxpayers'] money	1.55
	Legal protection will make fishing difficult	0.78
	Beavers have been illegally reintroduced	0.78
Do not want beavers on own property	0.78	

