

Net Zero, Energy and Transport Committee 22nd Meeting, 2022 (session 6), Tuesday, 28 June 2022

Consideration of petitions referred to the Committee

Note by the Clerk

Public Petitions

1. Petitions are a way to ask the Parliament to do something. [Find out more about the petition process](#). Under the Parliament's Standing Orders (rules 15.4 to 15.8) 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.
2. There are three petitions currently before the Net Zero, Energy and Transport Committee, and more information on each is set out below. All three have been previously considered by the Committee, the last time on 15 March 2022. The Committee is invited to consider its approach to each petition in the light of updated information since that meeting.

PE1750: Independent Monitoring of Satellite tags fitted to raptors

- Purpose: Calling on the Scottish Parliament to urge the Scottish Government to introduce independent monitoring of satellite tags fitted to raptor species, to assist the police and courts in potential wildlife crime cases and to provide data transparency.
- Petitioner: Alex Hogg, on behalf of Scottish Gamekeepers Association
- Date published: 14 August 2019
- Webpage: [The full petition PE1750 can be viewed here.](#)

Prior consideration of the petition

3. On 10 October 2019, the Session 5 Public Petitions Committee considered the petition. [A paper by the Scottish Parliament Information Centre \(SPICe\) was published](#) ahead of the consideration by the Public Petitions Committee.
4. The Public Petitions Committee agreed to refer the petition to the Session 5 Environment, Climate Change and Land Reform (ECCLR) Committee suggesting it be taken into account as part of its ongoing work on wildlife crime. [Read the Official Report of the meeting on 10 October 2019.](#)
5. The ECCLR Committee received five submissions during the time it was considering the petition. [The submissions can be found on ECCLR's legacy webpages.](#)
6. On 23 February 2021, the ECCLR Committee agreed to keep the petition open and include it in its legacy report to its successor committee. [Read the Official Report of the meeting on 23 February 2021.](#) It agreed to do so because it said there remained doubts as to the robustness of the data gathered by the tags.
7. [At its meeting on 23 June 2021,](#) the Citizen Participation and Public Petitions Committee agreed to refer the petition to the Net Zero, Energy and Transport Committee under Rule 15.6.2 of Standing Orders, to ensure that consideration can continue.

Consideration by this Committee

8. The Net Zero, Energy and Transport Committee first considered this [petition at its meeting on 15 March 2022.](#) [Read the Official Report of the meeting.](#)
9. At the meeting, the Committee agreed to keep the petition open and write to NatureScot and Police Scotland for views on the implementation of the new data-sharing protocols in the first year and the petitioner's concerns over the

robustness of the data being gathered. The Committee also agreed to write to the Scottish Government to ask what action it has taken to address those concerns following the [Werritty report](#) on grouse moor management.

- Read [the letter the Committee sent to NatureScot](#) on 05 May 2022 and [NatureScot's reply](#) on 20 May.
- Read [the letter the Committee sent to Police Scotland](#) on 05 May 2022 and [Police Scotland's reply](#) on 23 May.
- Read [the letter the Committee sent to the Minister for Environment and Land Reform](#) on 05 May 2022 and [the Minister's reply](#) on 30 May.

10. These responses are available in full at **Annexe B**.

Decision on the petition

11. The Committee is invited to consider the petition following receipt of correspondence from NatureScot, Police Scotland and the Scottish Government and may wish to:

- Keep the petition open and revert to NatureScot to take evidence on the annual report on all satellite tagging projects, once it has been received in September 2022. The Committee could then consider next steps, including whether to keep the petition open.
- Consider the issues raised by the petition in future work on wildlife crime in Scotland, including consideration of the Scottish Government wildlife crime annual reports. If considering the issues as part of other work, there is the option to keep the petition open until that work is done or close the petition on the ground that the issues it raises are being taken forward through other scrutiny.
- Close the petition on the basis that new data-sharing protocols have been recently put into place, that NatureScot is “content...that the information we have received to date is sufficient to enable NatureScot to maintain an overview of satellite tagging activity in Scotland” and that Police Scotland does not appear to raise any concerns with the current processes. The Minister for Environment and Land Reform, Mairi McAllan has also said “...I am pleased by the progress that has been made thus far in improving the robustness of data collected and that as the sharing of data by licence holders continues this will support Police Scotland in their investigations.”

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.](#)

Prior consideration of the petition

12. In Session 5, the petition was referred to the Environment, Climate Change and Land Reform Committee. There was ongoing legal action directly relevant to the petition, so the Committee 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. [Read the Official report of the Committee meeting on 23 February 2021.](#)

13. The petition calls for action by NatureScot. This is one of the public bodies listed as being within the remit of the Cabinet Secretary for Net Zero, Energy and Transport. It was accordingly referred to this Committee.

Consideration by this Committee

14. This Committee considered the petition at [its meeting on 30 November 2021](#). [Read the official report for the meeting on 30 November 2021.](#)

15. The Committee noted the recent developments in relation to the petition, as outlined above. Following the meeting, the Committee decided to request more information from NatureScot to inform its consideration. The Committee [wrote to NatureScot on 20 December 2021](#), posing questions about matters including:

- Whether and how translocation could be funded;
- NatureScot's review of beaver management - more information on this;
- Implications of the court case - for instance, does it in effect require NatureScot to prioritise translocation over lethal management going forward?

16. The Committee received [a response from NatureScot on 21 January 2022](#).

17. The Committee also requested broadly similar [information from the Minister for Green Skills, Circular Economy and Biodiversity on 20 December 2021](#) and

received a [response from the Minister on 18 January 2022](#). In it the Minister stated:

“The main issue under consideration was whether NatureScot are required to consider whether trapping and translocation was a satisfactory solution to prevent beavers causing serious damage before agreeing to issue a licence permitting lethal control, given that both actions would require a derogation from the provisions of the Habitats Regulations. The court found that NatureScot are not required to do so – in other words there is no hierarchy of derogations which require to be considered before a licence for lethal control is granted. [...]

However, NatureScot is working with land managers to actively promote the use of trapping for translocation rather than lethal control. Further to this and as stated in response to the first question, NatureScot is looking to help out with funding where necessary to make translocation a more viable solution for land managers. NatureScot is clear that translocation is the preferred option where this is feasible and this is highlighted in the Code of Practice issued with every licence that permits the use of lethal control.”

18. The Net Zero, Energy and Transport Committee then considered the [petition at its meeting on 15 March 2022](#). [Read the Official Report of the meeting](#).
19. At the meeting, Members agreed to write to NatureScot and the Scottish Government, seeking further information and clarification on any issue raised in their responses. In particular, the committee decided to ask NatureScot to respond to the petitioner’s claim that “NatureScot continue to rely on their argument that, once they have decided to issue a license, the law does not require them to license the least harmful activity, such as translocation before lethal control. As far as we know, beavers are the only protected species they treat in this way.”
20. Read [the letter the Committee sent to NatureScot](#) on 25 April 2022 and [NatureScot’s reply](#) on 20 May.
21. Read [the letter the Committee sent to the Minister for Green Skills, Circular Economy and Biodiversity](#) on 25 April 2022 and [the Minister’s reply](#) on 25 May.
22. The Committee also agreed to write to the Rural Affairs, Islands and Natural Environment Committee to ask whether it could address the issue of beaver management in its consideration of new rural support schemes, which it will do in due course in its future work programme. [Read the letter sent on 25 April](#).
23. These responses are available in full at **Annexe C**.

Decision on the petition

24. The Committee is invited to consider the petition following receipt of the responses from NatureScot and the Scottish Government and may wish to:

- Write to NatureScot asking it to notify the Committee when the National Beaver Strategy has been published. The Committee can then assess whether it wishes to scrutinise the strategy with regard to the issues raised by the petitioner (that the least harmful method should be licensed in the first instance), or to close the petition at that point.
- Close the petition on the basis that the Scottish Government has changed its position on translocation, and a National Beaver Strategy is forthcoming, which the Committee has the option to consider (for instance as part of future evidence-taking on biodiversity) whether or not the petition is open. NatureScot has also confirmed its view there is parity of treatment of beavers and other species in terms of its licensing regime and said it would “expect to see a much higher proportion of the animals needing removed being trapped and translocated and a much smaller proportion removed by lethal control”.
- In the event of either deciding to close the petition or keep it open, the Committee may wish to write again to the RAINE Committee drawing its attention to the responses from the Scottish Government and NatureScot in relation to future rural support.

Petition PE1872: Improve the reliability of island ferry services

- Purpose: Calling on the Scottish Parliament to urge the Scottish Government to urgently ensure that all Islanders have access to reliable ferry services.
- Petitioner: Liz Mcnicol
- Date published: 24 May 2021
- Webpage: [The full petition PE1872 can be viewed here.](#)

Prior Consideration of the petition

1. On 22 September 2021, the Citizen Participation and Public Petitions committee agreed to refer the petition under Rule 15.6.2 of Standing Orders to the Net Zero, Energy and Transport Committee.
2. [A paper by the Scottish Parliament Information Centre \(SPICe\) was published on 31 August 2021](#) ahead of the consideration by the Citizen Participation and Public Petitions Committee.

Consideration by the Committee

3. The Net Zero, Energy and Transport Committee considered the petition at [its meeting on 30 November 2022](#). [Read the official report for the meeting on 30 November 2022](#).
4. Following the meeting, the Net Zero, Energy and Transport Committee decided to request more information from Caledonian MacBrayne to inform its consideration. The Committee [wrote to Duncan Mackison, Chief Executive Officer on 16 December 2021](#) and received [a response from Mr Mackison on 26 January 2022](#).
5. The Committee also [requested information from the Minister for Transport on 16 December 2021](#) and received a [response from the Minister on 21 January 2022](#).
6. The Net Zero, Energy and Transport Committee considered the [petition at its meeting on 15 March 2022](#). [Read the Official Report of the meeting](#).
7. At the meeting, the Committee decided to postpone consideration of the petition to after its next consideration of its work programme, as it was possible the subject matter of the petition might be covered in future work.
8. On 23 March 2022, the Auditor General for Scotland published New Vessels for the Clyde and Hebrides: Arrangements to deliver vessels 801 and 802. The Public Audit Committee decided to start an inquiry into the report in April 2022. [Find out more about the inquiry](#).

9. At its meeting on 31 May 2022, The Net Zero, Energy and Transport Committee agreed to launch a new inquiry titled “A modern and sustainable ferry service for Scotland”. This will begin on 28 June with a scene setting evidence session, with a call for written views then expected to run over the summer, and evidence sessions and visits later in the year.

Decision on the petition

10. The Committee is invited to consider next steps on the petition. As ever, it is possible to keep the petition open, but given that issues raised in it will be considered during the new inquiry, it is suggested that the petition now be closed.

ANNEXE A

Petitioner update - Petition PE1750, 08 March 2022

Dear Committee members,

Here is a short update in support of petition PE1750.

Where raptors are fitted with satellite tags as part of official scientific projects, the transparency offered when, for example, a tag loses signal is refreshing. This, in turn, builds trust and conservation is the winner.

Here is an update from Natural England on their tagging work as part of the Hen Harrier Brood Management project:
<https://naturalengland.blog.gov.uk/2021/12/15/hen-harrier-monitoring-tagging-and-satellite-tracking-latest-data-published/>

This is an example where independent monitoring is advantageous for a species, for building trust and for people, too.

There is no such obligation for charities or campaign organisations, who fit tags, to offer the same level of transparency and the outcome can often be that interpretations are given to the media which cannot be proven to be accurate or otherwise. This 'weaponisation' of tags has severely damaged trust and has, in some cases, tarnished the reputation of key sectors and influenced public opinion/policy.

Persecution exists, of course. We do not want it to continue. However, tag failure for other reasons are fairly common, as independent projects have shown, and there is a need for independence when it comes to assessing what has happened to a bird. Raptor persecution is a wildlife crime priority in Scotland, today, and transparency should be part of the approach to the problem.

Alex Hogg, MBE
Chairman. The Scottish Gamekeepers Association.

Petitioner Update - Petition PE1815, 09 March 2022

Consideration of petition PE1815: translocate protected beavers to reduce licensed killing

When the committee last considered this petition, we had submitted an Environmental Information Request to NatureScot to understand how they are accommodating the October 2021 verdict of the Judicial Review in their ongoing licensing of beaver management. Our lawyers have just finished considering the large amount of material provided and this note provides a short summary of their early thoughts.

- Over 30 licences have been issued since the Judicial Review quashed all existing licences last October.
- Not all these new licences permit lethal control, some are only for other beaver management, but a significant number do license lethal control.
- NatureScot has sought to comply with the Judicial Review verdict by issuing a Statement of Reasons with each licence.
- The same template Statement of Reasons is used for each licence. The only text specific to each licence application is a description of the evidence of damage at each property.
- In many cases, this text has simply been cut and paste directly from the applicants' own description of the situation. It is not clear whether NatureScot has visited the locations or assessed each situation themselves.
- NatureScot continue to rely on their argument that, once they have decided to issue a licence, the law does not require them to licence the least harmful activity, such as translocation before lethal control. As far as we know, beavers are the only protected species they treat in this way.
- Given the potential for positive progress through NatureScot's current development of a National Beaver Strategy, Trees for Life does not intend to take further legal action based on this new information.
- However, we are very concerned about both the legal rationale NatureScot are applying to the Judicial Review verdict and the fact that beavers appear to be treated with less care than other protected species.

ANNEXE B

PE1750: Independent Monitoring of Satellite tags fitted to raptors – responses to Committee Correspondence

[NatureScot](#) – 23 May 2022

Dear Mr Lockhart MSP,

Independent Monitoring of Satellite tags fitted to raptors (PE 1750)

I write in response to the request from the Net Zero, Energy and Transport Committee for an update on the implementation and impact of agreed new data-sharing protocols for all permit holders who wish to employ satellite-based tracking of tagged raptors under licence with the British Trust for Ornithology (BTO).

NatureScot issue an organisational licence to the BTO on an annual basis to permit ringing or marking of wild birds. Specific endorsements on those permits allow some permit holders to undertake satellite tagging. All endorsements are subject to approval by the BTO special marking panel prior to issue.

NatureScot introduced three new conditions to the BTO licence on the 1st April 2021 (see Annex 1 for details): Condition 12, to facilitate the sharing of information with the police in the event that a satellite tag stops working in suspicious circumstances; Condition 13, for the BTO to provide quarterly updates to NatureScot on active tagging projects; Condition 16, a detailed annual update on the status of all tagging projects, with the first annual update to be provided by September 2022.

With reference to Condition 12, it should be noted that NatureScot is not aware of any instances where satellite tag data have not been forthcoming in the event of a suspicious disappearance. Indeed, our understanding is that there is a very good relationship between satellite taggers and Police Scotland in this regard. The introduction of this condition was for the purposes of formalising the existing arrangement, and to expedite the sharing of information in the circumstances where the licenced satellite tagger (the person fitting the tag) is not the tag and data owner – in other words securing permission in advance.

It should be noted that satellite tags are fitted for the purposes of research, typically into bird movements, habitat use, range and territory occupation. They are not issued for the purposes of detecting wildlife crime, as this does not fall within the licensable purposes defined in Section 16 of the Wildlife and Countryside Act 1981 (as amended). However, tagged birds may become victims of wildlife crime and information from the tag may be used at the discretion of the police as part of their investigations.

With reference to Condition 13, and the provision of quarterly updates on active tagging projects, NatureScot received the first update from the BTO in April 2022,

which included information on project description and purpose, species, number and age of birds to be tagged, type of tag, local authority area and personal contact details of the licenced satellite tagger. The BTO have cited issues with resourcing, impacts from Coronavirus on business continuity and their own data collection capacity as the reasons for their failure to adhere to this condition, and this is something that NatureScot is actively seeking to address going forward.

I am content, however, that the information we have received to date is sufficient to enable NatureScot to maintain an overview of satellite tagging activity in Scotland. It also builds in the capacity to share information pertaining to satellite taggers with Police Scotland (in accordance with our organisational Data Sharing Agreement) should there be a need to so, although as per above Condition 12, the need has not arisen.

We are not yet in a position to assess the efficacy of Condition 16, in relation to a detailed annual update on all satellite tagging projects, however we anticipate that the scope of this condition will be sufficient to enable detailed analysis where required as well as informing any future licence conditions.

In addition to the above measures, for the past two years NatureScot has hosted an annual raptor satellite tag practitioners meeting, with a further meeting planned for October 2022. This meeting has proven extremely beneficial for all parties through improved communication, and the ability to collectively address any issues in relation to licencing and reporting, while encouraging best practice.

The petition to which this letter relates, refers to 'independent monitoring of satellite tags'. There are numerous logistical reasons why it is not possible for NatureScot to act as a repository for raw satellite tagging data, not least the sheer quantity of data involved, the variation in data download frequency (some data is gathered on a long-term, low download-frequency basis), cost implications for downloading data and legal issues in relation to ownership. However, I am content that NatureScot and (through delegated authority) the BTO currently fulfil this function.

Equally, I am content that the provisions that NatureScot has put in place provide adequate transparency on satellite tagging activity in Scotland, and while this does not include access to raw data (for the reasons cited above) I am not aware of any reason to doubt the honesty and reliability of the data gathered.

Yours sincerely,

Francesca Osowska OBE FRSE
Chief Executive

[Police Scotland](#) – 23 May 2022

Before answering your request for information and views regarding the data-sharing protocols of the satellite tagging scheme and the robustness of the data being gathered can I please address an introductory point in the original petition:

The petition begins by stating “*the fitting of satellite tags to raptors today has moved away from conservation, exclusively, to include potential detection of wildlife crime.*” Licensing of satellite tagging is conducted by *NatureScot* and the detection of wildlife crime is not a licensable purpose. No tags are fitted for the purpose of detecting wildlife crime. However, like many aspects of police investigation the police will utilise all potential investigative opportunities and the satellite tag data is obviously key in the investigation of a sudden stop, no malfunction situation of a satellite tag fitted to a raptor.

When persons involved in the monitoring of raptors through satellite tags become aware of the ‘*sudden stop, no malfunction*’ of one of their tags, what they report to police is not a crime, it is their suspicion, and they are approaching police for assistance. In order to access land under the powers conferred under Sec 19(2) of the Wildlife and Countryside Act 1981 the constable requires their own suspicion, they cannot simply take the word of a third party. To assist the reporter police therefore request all pertinent data on the tag that has gone off-line. This will show a huge variety of data including how well the tag is operating, its frequency of sending data, its battery power level, the temperature of the tag (if lower than normal does that mean the bird it is attached to is deceased or potentially that it has become detached), movement patterns as well as its location the last time it transmitted a signal, this may be at a height and travelling at speed.

Once the officer has analysed the data there are two key considerations:

- Is there a suspicion that this ‘*sudden stop, no malfunction*’ could be as a result of criminality,
- Is a search likely to recover the tag, potentially unlikely had the bird been travelling at the time of its last transmission.

Police then make the decision on whether to progress with an investigation with the key feature being a search. At this time this is in relation to a reasonable suspicion a crime has occurred, not a conclusion that a crime has definitely occurred. A search does not happen automatically on receipt of a report of a ‘*sudden stop, no malfunction*’. The time of year (light levels affecting solar panels) and the age of the tag are just some of the factors considered.

Moving on to your request for information and views regarding the data-sharing protocols of the satellite tagging scheme and the robustness of the data being gathered. Licensing of satellite tags and licensing conditions added to the licenses relating to the sharing of data from the tags is a matter for *NatureScot* and the *British Trust for Ornithology*. The police do not have an input in the issuing of these licenses or their added conditions.

However, through the *Partnership for Action against Wildlife Crime in Scotland (PAW Scotland)* we have the Raptor Persecution Priority Delivery Group. The PAW Scotland Raptor Persecution Priority Delivery Group (RPPDG) is made up of representatives from Government and non-Government organisations working in partnership to reduce raptor persecution in Scotland with the strategic objectives:

1. To increase awareness of raptor persecution
2. To prevent people from becoming involved in raptor persecution
3. To promote and improve partnership working to develop, identify and communicate best practice on preventing raptor persecution
4. To promote intelligence sharing
5. To promote a coordinated response to raptor persecution in Scotland
6. To promote enforcement opportunities against those identified as being involved in persecution offences
7. To identify, gather and analyse appropriate evidence to support policy development.

This group has collectively signed off a protocol, the introductory paragraph of the protocol is as follows:

“This protocol provides guidance for people actively involved in satellite tracking raptors in Scotland. It is reiterated throughout this document that incidents of satellite tagged raptors dying should be treated as a crime until proven otherwise. It should be clarified that the sole purpose of this practice is to ensure that all evidence is correctly processed at an early stage, to maximise the effectiveness of any investigation should it be established criminality has occurred”.

All individuals and groups involved in satellite tagging follow this protocol and to date police have had no issues obtaining the necessary data to formulate their own thoughts on what may have occurred in the instance of a ‘*sudden stop, no malfunction*’.

The illegal persecution of raptors through poisoning has shown a marked reduction in Scotland and one reason for this is likely to be the deterrent effect of scavenging raptors having satellite tags fitted. Poisoned birds don’t necessarily die immediately adjacent to the poison bait, they may fly a short distance before dying meaning the culprit has no means of controlling the carcass and police may be able to retrieve it.

As stated earlier, the detection of wildlife crime is not a licensable purpose for the fitting of a satellite tag. However, the knock-on preventative effect of their presence as well as the investigative avenues they open are invaluable to policing.

Yours sincerely,

Detective Sergeant William Telford
Wildlife Crime Coordinator
Specialist Crime Division
Police Scotland

[Minister for Environment and Land Reform - 26 May 2022](#)

Dear Convener,

I refer to your letter of 5 May regarding the independent monitoring of satellite tags fitted to raptors and your Committee's consideration of a petition in this regard.

You asked about both the robustness of data collected and the sharing thereof by licence holders and that since changes to protocols were implemented in 2021. Since the Scottish Government published our response to the report by the independent Grouse Moor Management Review Group on 26 November 2020, NatureScot have made changes to the data they collect from licence holders on satellite tags. They have done so by introducing three new conditions to the licences which are issued to the British Trust for Ornithology (BTO) and which permit some licence holders to tag wild birds.

Those changes include new conditions to facilitate information sharing with the police should a satellite tag stop working in suspicious circumstances; mandate quarterly updates from the BTO to NatureScot on all active tagging projects; and require the BTO to provide a more detailed annual update on the status of all tagging projects, the first of which is due this September.

I am aware that there have been some challenges faced by the BTO in providing those quarterly updates and NatureScot have been actively engaging with them on this. The first quarterly update was received in April 2022 and I firmly expect those updates to continue. I have been assured by NatureScot that the information they are receiving is of a sufficient level so as to provide a good understanding of the satellite tagging undertaken by the BTO across Scotland.

As I have outlined above, the first annual update from the BTO is due later this year, and it would therefore not be possible to assess the effectiveness of that process at this stage. However, I am pleased by the progress that has been made thus far in improving the robustness of data collected and that as the sharing of data by licence holders continues this will support Police Scotland in their investigations.

Annexe C

Petition PE1815: Translocate protected beavers to reduce licensed killing – Responses to Committee correspondence

[Minister for Minister for Green Skills, Circular Economy and Biodiversity, Lorna Slater MSP – 25 May 2022](#)

Dear Dean

Please find responses below to your request for further information in relation to PE1815 Translocate Protected Beavers to Reduce Licensed Killing.

From the outset please be advised that in 2021/22 no additional funding was required by NatureScot from the Scottish Government in order to translocate Beavers as all funding requirements were completed through NatureScot's allocated funding.

Further questions posed to the Scottish Government:

- *The Committee would welcome details of the amount of funding provided and what funding needs have been identified for 2022/23*

In regards to financial year 2022/23, NatureScot published interim guidance in February this year which sets out that they will provide financial assistance with the practical implementation of projects which includes the trapping, transportation, captive care and health screening of animals in addition to mitigation works at release sites. NatureScot will also support the strategic assessment of environmental impacts in new catchments. They have secured an internal allocation for this work and NatureScot are not anticipating that funding constraints will present a barrier to such projects being supported this year.

- *The Committee would welcome views on whether payments for ecosystem services or other positive incentives to reward ecosystem restoration, for example, through beaver management, could be considered as part of new rural support system proposed under the new bill.*

The Agriculture Bill, will be brought forward in 2023 to provide a replacement for the EU Common Agricultural Policy. This will deliver on the Scottish Government's [Vision for Agriculture](#) which was published in March.

The Vision outlines our aim to transform how we support farming and food production in Scotland to become a global leader in sustainable and regenerative agriculture. It states that Scotland will have a support framework that delivers high quality food production, climate mitigation and adaptation, and nature restoration.

Work is ongoing to promote the use of incentives currently available that support land use changes that deliver both wider benefits and will help land managers to live alongside beavers; to identify barriers to uptake and to explore how such measures

can be made more accessible/effective as we develop the future agri-environment schemes.

We will welcome all stakeholder feedback to the consultation which will inform the introduction of a Scottish Agriculture Bill in 2023.

Kind regards

LORNA SLATER

[NatureScot – 20 May 2022](#)

Dear Net Zero, Energy and Transport Committee,

NatureScot welcomes the opportunity to provide an update on our work with Beavers in Scotland.

We are currently in the final stages of leading the co-production of a National Beaver Strategy, the aim of which is to provide an inclusive, informed and forward looking strategy for beaver restoration in Scotland. This is expected to be completed and published in July.

In parallel, NatureScot is also actively exploring new potential translocation projects with the public agencies and other interested parties for release later this year. We are scoping the risks and benefits of beaver releases into new catchments and are increasing our staff resource to support trapping and translocation projects accordingly.

The following information is provided in response to your specific queries regarding the protection of Scotland's beaver population.

Processes in place for European Protected Species (EPS) licensing

The licensing requirements and process are the same for all EPS licencing. NatureScot assess all applications against the relevant licensing 'tests' as laid out in the [Conservation \(Natural Habitats, &c.\) Regulations 1994](#) (as amended), which are as follows:

1. that there is a licensable purpose
2. that there is no satisfactory alternative, and
3. that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The satisfactory alternatives considered are those mitigation measures which do not require a derogation (licence) in their own right. Where there are mitigation measures which result in a lower impact on the individual but still require a

derogation, such as translocation then NatureScot actively advise and encourage this where it is possible to do so.

Beavers are therefore treated entirely consistently with other species afforded the same protection. The need and demand for licences does of course vary between the different species. Beaver management licences are almost exclusively issued for Prime Agricultural Land where they can have a significant impact on drainage and water levels affecting agricultural production.

Those who apply for licences are required to provide information to support any application. The licences are issued for the prevention of serious damage. Our assessment of applications is based on a range of information, the basis being the information being supplied by the applicant but also draws on previous studies and reports, staff experience and knowledge including in many cases site visits, where we can assess the likelihood of serious damage.

Beaver management

A summary of the beaver populations and licence returns for 2021 has recently been [published](#). This summary details that in 2021 the proportion of beavers trapped and translocated was 28% of those removed under licence; compared with 21% in 2020 and in 15% in 2019. Hence the proportion of animals that are removed that are being trapped is increasing. Since 2019 between 100 and 120 beavers have been removed from conflict sites by either trapping or lethal control each year. It is unlikely that it will be practically possible to trap all these animals but we expect to see a much higher proportion of the animals needing removed being trapped and translocated and a much smaller proportion removed by lethal control. We are seeking to identify suitable receptor sites in Scotland combined with some ongoing demand from England with the aim that at least half of those removed are translocated in the coming year.

The barriers to the use of trapping are largely practical and include;

- the availability of suitable trap sites (requirement for flat accessible sites, without rapid fluctuations in water levels, not subject to disturbance by the public),
- the success of trapping/ length of time required to trap a family causing impacts and the nature of the impacts (relating to the current levels of activity and beavers use of territory, individual behaviour).
- the ability to manage where and when control takes place

There is growing acceptance that trapping can be effective in preventing damage and a greater number of licence holders have engaged with trapping carried out by an experienced beaver ecologist. NatureScot will be working with licence holders to explore what more could be done to make trapping workable in their circumstances and to support the delivery of this work. However, at this time we do not consider it to be appropriate to revoke lethal control licences where they are still needed to prevent serious damage.

Where lethal control is carried out, the cost of control is borne by the licence holder and will that continue to be the case. The controller must attain accredited controller status and both the licence holder and accredited controller are required to submit an annual return. From August 2022, where trapping is carried out under licence the costs will be borne by NatureScot and the trapping will be carried out by experienced personnel. Where a licence is held by the land manager they will still be required to submit an annual licence return, but the burden on the land manager to remove beavers to prevent serious damage by trapping, should be much less than where using lethal control. To note the offer of trapping has to date been provided free of charge by The Beaver Trust and prior to that by a licenced individual. However, this arrangement will be formalised by August this year (end of Kit Dependency Period when licences resume).

We published [interim guidance](#) in February this year which sets out that NatureScot will provide financial assistance with the practical implementation of projects which includes the trapping, transportation, captive care and health screening of animals in addition to mitigation works at release sites. We will also support the strategic assessment of environmental impacts in new catchments. We have secured an internal allocation for this work and will prioritise projects that will deliver the greatest benefits and present lower conflicts. We are not anticipating that funding constraints will present a barrier to such projects being supported this year.

Finally and noting the committees discussions around beavers and the use of future rural support schemes, we would add that work is ongoing to promote the use of [incentives](#) currently available that support land use changes that deliver both wider benefits and will help land managers to live along-side beavers; to identify barriers to uptake and to explore how such measures can be more accessible/effective in future schemes.

Yours sincerely,

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