

Standing advice for planning consultations - Beavers

Standing advice to help planning applicants seeking permission for development that could affect beavers, and to assist planning officers and other regulators in their assessment of these applications

This is standing advice to help planning applicants seeking permission for development that could affect beavers, and to assist planning officers and other regulators in their assessment of these applications. It avoids the need for us to advise on individual planning consultations in relation to beavers. We will only provide further advice in exceptional circumstances that are not covered by this standing advice.

Consideration of protected species in development management

Scottish Planning Policy requires that the presence (or potential presence) of legally protected species is factored into the planning and design of development proposals, and that any impacts on protected species are fully considered prior to the determination of planning applications.

Where impacts on a protected species cannot be avoided, certain activities may only be undertaken with a licence from NatureScot. **It is important that any licensing issues are considered as part of a planning application to avoid any unnecessary delay to a development proceeding.**

Legal protection for beavers

There is no change to the protection of European Protected Species (EPS) as a result of EU Exit.

Beavers are classed as EPS under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). It is therefore an offence to deliberately or recklessly:

- kill, injure, capture or harass a beaver;
- disturb a beaver whilst it is occupying a lodge, burrow or other place it uses for shelter or protection, or while it is rearing or otherwise caring for its young, or in any way that impairs its ability to survive or breed, or significantly affects the local distribution or abundance of beavers;
- obstruct access to a beaver breeding site or resting place, or otherwise prevent their use.

And whether or not deliberate or reckless:

- to damage or destroy a beaver's breeding site or resting place.

In practical terms this means that lodges and burrows within active beaver territories are protected. Interference with dams may also constitute an offence due to their role in maintaining the ecological function of breeding sites. Use of lodges and burrows are particularly sensitive to changes in water levels; entrances need to be below water level and depths of <70cm of water are unlikely to be suitable for beavers. Any activity that prevents access to or removes a food cache could also impair the beavers' ability to survive, reproduce and care for their young. Significant felling of riparian woodland could also affect the local distribution of beavers depending on the availability of suitable habitat and territory sizes.

Our guidance on [Ecological definitions and disturbance of beavers](#) provides detailed consideration of potential offences associated with damage to and disturbance of structures and places used by beavers. Based on experience from Europe where beavers occupy heavily modified landscapes, including a number of cities, and co-exist alongside day to day land management activities, it is considered that:

'disturbance impacts to beavers are unlikely to occur where human action avoids physical damage to key beaver built structures (i.e. breeding sites and resting places) or the dams protecting them and allows access to these and associated suitable foraging habitat, and that avoids any interruption of normal ecological behaviour that goes beyond a short-term temporary period'.

This is reflected in our [guidance to land managers](#), which advises that a licence is not required for land management activities near lodges, burrows or dams, provided they don't damage those structures. The same principles apply to planning for built development, whilst noting that disturbance associated with built development may be either temporarily more intensive or more permanent in nature than land management practices.

The advice below will help ensure that impacts on beavers are minimised and no offences occur.

When a development could affect beavers

The distribution of beavers in Scotland is likely to change as we receive translocation applications. More detailed information on the distribution of beavers in Scotland can be found in the [National Biodiversity Network Atlas](#) and in the 2017/18 [survey report](#) for the Tayside population.

Beavers could be affected by development proposals that are adjacent to freshwater-bodies (rivers, burns, lochs, reservoirs and ponds) in areas of suitable habitat within their current range.

A beaver survey should be carried out for any proposal affecting freshwater habitats within those parts of Scotland where there is a likelihood of beavers being present.

Carrying out a beaver survey

Surveys should be done by persons with the appropriate knowledge of beaver ecology and practical experience of beaver survey work. The survey area should include all habitat within 20m of freshwater, and within 50m of the proposed works. If the works involve high noise levels (such as piling) or significant changes to hydrology (water levels or flow rates), the survey should be extended to suitable habitat within the affected areas. The survey should consist of a systematic search for feeding signs, food caches, scent-mounds, slides, dams, burrows, lodges and canals. Trail cameras can help to check whether an area is in current use by beavers.

Beaver surveys are easiest during the winter and spring when there is less bankside vegetation and beaver signs are more evident. However, they can be carried out at any time of year, but should avoid periods following prolonged heavy rainfall and/or high water when signs may be more difficult to see.

The survey information needs to be sufficiently up-to-date when a planning application is submitted. Pre-application beaver surveys normally remain valid for two years, and should be repeated if the application is delayed beyond that. Unless it is clearly evident that there has been no substantive change in number, distribution or activity of beavers since the original survey was undertaken.

Reporting survey results

If a development proposal has required a beaver survey, a survey report must be submitted as part of the planning application. The report should include:

- names and experience of surveyors;
- details of any information gathered from Local Record Centres or other sources;
- descriptions of habitat surveyed and any limitations to the survey, such as access;
- survey methods, including survey area, date, time and weather conditions;
- a map showing beaver habitat and the location of signs, lodges or burrows in relation to the development;
- an assessment of how the development might affect beavers.

If beavers are present and could be affected by the proposal, the report must include a protection plan. The plan should include:

- measures proposed to minimise impacts on beavers, including annotated maps and/or photographs showing the location of any lodges/burrows and associated dams and measures proposed and how they relate to survey information and construction work;
- a summary of any residual impacts once the above measures are taken into account;
- details of any licensing requirements.

Measures to avoid or minimise impacts on beavers

Measures to minimise impacts on beavers should follow a hierarchy of avoidance, mitigation and compensation. This will largely be dependent upon the nature of the activity and the distance of any development from the watercourse or waterbody in which beavers are present or likely to be present.

Works 50 or more metres away from lodges or burrows

- Likely to avoid all impacts on beavers and therefore likely to avoid the need for a licence (unless highly disruptive e.g. blasting or large scale changes to hydrology)

Works 20 - 50 metres away from lodges or burrows

- There may be food caches, dams, non-natal burrows and access routes to burrows and lodges within this vicinity. Removal of established dams would require a licence.

Works within 20 metres of lodges or burrows

- Where works could result in physical destruction of structures used by beavers. Area within which a licence is most likely to be required.

Avoidance

- Design the proposal and construction methods to avoid direct damage or disturbance to beaver lodges or burrows, or associated dams. Avoid destruction or removal of food caches during winter months (November to March).

Mitigation

- Cap exposed pipe systems when contractors are off site, and cover or provide exit ramps from exposed trenches or holes, to prevent beavers becoming trapped.
- Build tunnels or culverts under new roads and passageways under bridges to provide safe access and crossing points. For more details see [Design Manual for Roads and Bridges](#) (Highways Agency 2020).

Compensation

- Restore or improve habitat to replace lost habitat or impediment of habitat connectivity, for example by riparian tree planting or setting aside land for riparian buffer strips. Note that alder (*Alnus glutinosa*) is not a favoured food species for beavers and therefore should not be the dominant species used for riparian tree planting.
- Control non-native invasive plant species on embankments used by beavers. See our [Visual guide for identifying and taking action on non-native, invasive species on construction sites](#).

Future proofing developments for beavers

Consideration should be given to the suitability of the habitat in the vicinity of the proposed development for the likely future presence of beavers and building 'beaver resilience' into the design to avoid future impacts from beavers. For example, transport and flood alleviation schemes could consider the design and location of culverts or avoid close proximity to wetlands (e.g. to prevent damming to consider using square culvert profiles, widths >5.5m and sighting to avoid water pooling at the inlet). Future undesirable beaver activity can also be avoided by creating suitable habitats as part of the proposal, such as riparian habitat enhancement or by improving ecological connectivity between wetlands on or close to the development proposal. Such forward thinking designs may also be beneficial for beavers and deliver other biodiversity gains and ecosystem service provision.

For all development proposals where beavers are a consideration, pre-construction surveys (within 2 weeks of starting works) should be timetabled into project plans. This is to enable checks for any new lodges, burrows (or associated dams) that may have become occupied after the original survey, and to ensure the measures proposed to minimise impacts on beavers remain appropriate.

Licensing development works affecting beavers

Licenses for development works that would otherwise result in an offence with respect to EPS, such as beavers, can only be issued if it can be demonstrated that the following three tests are all met:

Test 1 - that the purpose of the licence is to preserve public health or public safety or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Test 2 - that there is no satisfactory alternative.

Test 3 - that the proposed action will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range.

There is a presumption against licensing damage or disturbance to beaver lodges, natal burrows and associated dams while beavers have dependent young. The young dependency period is normally between 1 April and 16 August. Licensed activity in this situation would have to wait until the beavers had finished breeding and the young are fully mobile.

For advice on applying Tests 1 and 2 see our guidance [European Protected Species Licensing Test 1 - Licensable Purpose](#) and [European Protected Species Licensing Test 2 - No satisfactory alternative](#). For advice on applying Test 3 and whether or not a licence is likely to be granted, planning applicants should contact the [NatureScot licensing team](#), and report the outcome of this discussion to the planning authority prior to determination of the application.

Guidance on applying for a beaver licence for development purposes, along with the application form can be found on our [website](#). For further information on protected species licensing see [Protected Species Licensing: Legislation, Appropriate Authorities and Licensing Purposes](#).

Contact

If you already have a licence number, include it in the subject line of your email, or have it to hand when you call.

Licensing Team

01463 725364

licensing@nature.scot