

WAT-PS-14-01: (THE CONTROLLED ACTIVITY REGULATIONS) CAR AND THE MANAGEMENT OF BEAVER STRUCTURES

THIS DOCUMENT OUTLINES SEPA'S POSITION ON MANAGING BEAVER STRUCTURES. IT PROVIDES A BASIS FOR INTERPRETING SEPA'S OBJECTIVES UNDER THE CONTROLLED ACTIVITY REGULATIONS (CAR), AND A BASIS FOR INTERPRETING AND IMPLEMENTING SEPA'S GOOD PRACTICE GUIDANCE. AS SUCH, IT PROVIDES A SUMMARY OF THE KEY REGULATORY ISSUES BUT DOES NOT REPLACE DETAILED GOOD PRACTICE GUIDANCE.

Date	Jul 2018	Version	1.1
------	----------	---------	-----

1 PURPOSE

This document sets out SEPA's position with respect to the regulation of activities proposed specifically for the management of structures created in the water environment by beavers.

2 BACKGROUND

The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) regulate activities associated with the water environment. The activities covered by this position will largely involve the notching or removal of beaver dams, or the installation into beaver dams of flow devices.

3 USING HAND TOOLS, ROPES, GRAPNELS

The [CAR Practical Guide](#)¹ sets out SEPA's policy with respect to authorisation requirements. This states that SEPA does not require an authorisation for:

- the removal or management of in-stream or bank-side (riparian) vegetation, or in-stream debris/rubbish;
- any engineering works in minor watercourses (i.e. watercourses not shown on 1:50:000 scale OS maps) other than culverting, diversion/realignment or dredging

As such, the breaching or partial removal or complete removal of a beaver dam in a watercourse using hand tools and/or ropes and grapnels is not subject to a requirement for prior authorisation by SEPA under the CAR Regulations. Remember, any work in or around watercourses must be completed without causing pollution, such as the escape of silty water downstream (e.g. silt trapped behind a beaver dam).

4 ARTIFICIAL DRAINAGE CHANNELS

Work to breach or remove beaver dams in artificial drainage channels is not subject to a requirement for prior authorisation by SEPA under the CAR Regulations. An artificial water body is a body of surface water created by human activity in a location where no significant water body existed before, such as a canal or a lade, and which has not been created by the direct physical alteration, movement or realignment of an existing water body.

5 USING MACHINERY

Where management of beaver structures will be undertaken using machinery in the water environment, this may be done without prior authorisation from SEPA, if undertaken in accordance with the conditions of CAR GBR 9 ("Operating any vehicle, plant or other equipment (machinery) in or near any surface water or wetland for the purpose of undertaking any other GBR activity or for the purpose of maintaining an existing man-made structure in or near any surface water or wetland"). This is also made clear in the CAR Practical Guide.

¹ [Controlled Activities Regulations: A Practical Guide](http://www.sepa.org.uk) (www.sepa.org.uk)

6 FLOW DEVICES

Where a flow device will be installed using boulders to secure any ancillary fencing, this may be done without prior authorisation from SEPA, if undertaken in accordance with the conditions of CAR GBR14 (Boulder placement in a river or burn). For any other approach, consult with SEPA to determine the regulatory requirements.

7 OTHER ACTIVITIES

For any other proposed activity not covered by the points above, consult with SEPA to determine the regulatory requirements.

8 REQUIREMENTS UNDER OTHER LEGISLATION

The water environment controls described in this position statement are independent of the requirements of any other legislation relevant to beaver management, such as fisheries, forestry, species protection or animal welfare legislation, which may still apply, even in situations where controls under CAR do not apply. Permission for a controlled activity under CAR does not confer or imply permission under any other legislation that may apply outwith the control of SEPA. The relevant regulator for other statute (e.g. SNH for species protection legislation) should be consulted prior to undertaking work.