

SAVE OUR REDS CIC · POLICY BRIEFING

Stronger Protection for Britain's Native Red Squirrels

The case for Schedule 2 listing under the Conservation of Habitats and Species Regulations 2017.

CORE ARGUMENT

Red squirrels are classified as Endangered on Britain's Red List for Terrestrial Mammals, yet lack the Schedule 2 breeding-site, resting-place and licensing protections applied to beavers since 2022.

This paper sets out the legal mechanism, ecological evidence and policy case for adding red squirrels to Schedule 2 of the Conservation of Habitats and Species Regulations 2017, and what this would achieve on the ground.



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Foreword: building on government policy

In January 2026, the Government published its Grey Squirrel Policy Statement (updated February 2026), acknowledging the serious threat posed by invasive grey squirrels to woodland biodiversity and to native red squirrels, and committing Defra and the Forestry Commission to take action over the next five years.

Three months later, in April 2026, Natural England published its Red Squirrel Recovery Strategy (NECR669) and concluded that mainland England could lose red squirrels within approximately twenty-five years under current management.

Save Our Reds CIC welcomes the Government's recognition of the threat. Defra has set out the problem with clarity, and Natural England has now confirmed the timescale. What is needed is a legal framework capable of delivering on those stated ambitions.

This paper argues that the logical next step is to give red squirrels the stricter breeding-site, resting-place and species-licensing protections that already apply to bats, dormice, otters and beavers. Adding red squirrels to Schedule 2 of the Conservation of Habitats and Species Regulations 2017 would convert existing policy ambition into an enforceable protection and licensing framework.

It can be achieved through secondary legislation under powers the appropriate authorities already possess. Because red squirrels are Endangered and the effects of routine woodland operations on their survival and breeding are plausible but not yet fully quantified, this paper adopts a precautionary approach throughout: where there is a risk of serious or irreversible harm, incomplete scientific certainty is not a reason to withhold protective measures.

Developed with expert advice and contributions from **Dr Craig Shuttleworth**, a leading red squirrel conservationist, and **Dr Peter Lurz**, a leading expert on red squirrel habitat and ecology.

WHAT THIS PAPER COVERS

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1 Executive summary

Britain's native red squirrel (*Sciurus vulgaris*) is classified as Endangered on the Red List for Britain's Terrestrial Mammals (Mathews and Harrower, 2020). In April 2026, Natural England's Red Squirrel Recovery Strategy (NECR669) concluded that under current management there is a high probability that red squirrels will be lost from mainland England within approximately 25 years.

Despite this, red squirrels remain protected primarily under the Wildlife and Countryside Act 1981 (Schedules 5 and 6), which prohibits intentional killing or disturbance of individual animals and their dreys, and are listed as a Species of Principal Importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, which engages the section 40 biodiversity duty on public authorities. Neither instrument provides the stricter protection for breeding sites and resting places, species-licensing regime or consistent planning-stage consideration that applies to species listed on Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

The Eurasian beaver (*Castor fiber*), reintroduced to England in 2015 and considered critically endangered in its fledgling wild population, was added to Schedule 2 by the Beavers (England) Order 2022. A native species present in Britain for approximately 10,000 years now lacks the Schedule 2 breeding-site, resting-place and licensing protections applied to a species reintroduced eleven years ago.

This paper sets out the legal mechanism by which red squirrels can be added to Schedule 2, the ecological evidence that supports doing so, the practical effect this would have on planning, licensing and woodland decisions, and the principal counter-arguments and how they can be addressed. It is intended for circulation among DEFRA officials, parliamentarians, conservation bodies, planning professionals and journalists.

"Conservation without delivery becomes managed decline. Schedule 2 listing would bring red squirrels into a stronger protection and licensing framework, requiring risks to the species and its breeding sites or resting places to be addressed before damaging activity proceeds, not after."

SAVE OUR REDS CIC, BRIEFING PAPER NO. 1

Endangered Status on the Red List for Britain's Terrestrial Mammals	25 years Modelled window for likely loss from mainland England on current management	10,000 yrs How long the red squirrel has been native to Britain	2022 The year beavers gained the Schedule 2 protections reds still lack
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THE ASK, IN ONE PARAGRAPH

Lay the secondary legislation needed to add *Sciurus vulgaris* to Schedule 2 of the Conservation of Habitats and Species Regulations 2017. It is a short two-stage sequence using powers ministers already hold, it requires no primary legislation, and the Beavers (England) Order 2022 is the working precedent.

2 The current legal protection framework

Red squirrels currently receive protection through three principal instruments. Each is significant in its own terms, but none provides what Schedule 2 listing would deliver.

Wildlife and Countryside Act 1981, Schedules 5 and 6

Under Section 9 of the Wildlife and Countryside Act 1981, it is an offence to intentionally kill, injure or take a red squirrel, or to intentionally or recklessly damage, destroy or obstruct access to any structure or place which a red squirrel uses for shelter or protection. This includes dreys and nest cavities. The Act provides species-level protection of individual animals and immediate shelter sites, but does not extend to wider habitat or planning-stage assessment.

Natural Environment and Rural Communities Act 2006, Sections 40 and 41

Two provisions work together here, and they are often conflated. Section 41 is the list: it names red squirrels as a Species of Principal Importance for the conservation of biodiversity in England. Section 40 carries the duty: public authorities in England must have regard to conserving biodiversity when exercising their functions, and must agree policies and objectives and take action to deliver them. Compliance with the section 40 duty is not optional, and authorities have discretion in how they implement it rather than whether they do so.

What section 40 does not provide is a species-licensing regime, a defined offence in relation to breeding sites and resting places, or a trigger for the structured ecological assessment that Schedule 2 listing would bring. It shapes how decisions are taken; it does not set the tests those decisions must pass.

Forestry Commission Operations Note 65

Operations Note 65 recommends pre-felling surveys, seasonal restrictions during the breeding period, retention of drey trees and maintenance of canopy connectivity. However, the guidance is advisory rather than mandatory and compliance is not centrally monitored. While there is currently little published evidence quantifying the direct effects of commercial felling on red squirrel survival or reproduction, clear-felling has the potential to remove breeding habitat, destroy occupied dreys and resting places, and force dispersal. In light of that uncertainty, a precautionary approach to assessment is justified.



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Two gaps that compound each other

The weakness of the current framework is sharper than a simple comparison of instruments suggests, because two features work together.

First, a defence survives for red squirrels that was removed for European protected species. Section 10(3)(c) of the Wildlife and Countryside Act 1981 provides that a person is not guilty of an offence if the act was the incidental result of a lawful operation and could not reasonably have been avoided. That defence was removed in respect of European protected species when the Habitats Regulations were amended with effect from 21 August 2007. Red squirrels are not European protected species, so it continues to apply to them. The same damage to a bat roost or a dormouse nest would not attract it.

Second, there is no licence through which such an operation could be assessed. Forestry Commission guidance is explicit: "There is no mechanism for licensing forestry operations where they may cause damage or disturbance to red squirrels," save in very restricted circumstances such as felling for public safety. There is therefore no route by which a forestry operator can have the likely effects of an operation examined and consented in advance, and no point at which a public authority is required to examine them.

Taken together, the position is that a forestry operation which destroys occupied dreys may rely on a defence unavailable for comparable protected species, and no licensing process exists through which the risk could have been identified beforehand. Schedule 2 listing closes both gaps in a single step: it brings red squirrels within the Regulation 55 licensing regime, and it removes reliance on the incidental-result defence.

WHAT EACH INSTRUMENT PROVIDES

PROTECTION TYPE	WCA 1981	NERC S.40/41	OP NOTE 65	SCHEDULE 2
Protects individual animals from killing or injury	Yes	No	No	Yes
Protects breeding sites or resting places from damage	Where used	No	Advisory	Yes, whether occupied or not
Addresses effects on wider habitat through assessment and mitigation	No	Duty to have regard	Advisory	Where needed to avoid an offence or meet licence tests
Requires ecological survey where likely effects need assessment	No	Can be sought through planning	Advisory	Where needed to assess likely effects
Requires a licence to authorise activity affecting the species	Limited (s.16 only)	No	None available	Yes
Integrates species protection into planning decisions	Material consideration	Yes, via s.40 duty	No	Yes, with licence tests

This comparison is not a claim that red squirrels are unprotected in planning. Protected species must already be considered where they are likely to be affected, survey work can be required before an application is determined, and the section 40 duty applies throughout. The difference Schedule 2 would make is one of threshold and consequence: a defined offence in relation to breeding sites and resting places, a licence that must be obtained before otherwise unlawful works proceed, and statutory tests against which the decision must be judged.

Nor is licensing absent outside forestry. Section 16 of the 1981 Act allows otherwise unlawful activity to be licensed, and since 2022 that has included, in England, licences for reasons of overriding public interest, which may be granted only where there is no other satisfactory solution and the grant is not detrimental to the survival of any population. The Habitats Regulations tests are higher: maintenance at favourable conservation status, taking in range, habitat and long-term prospects.

3 The Schedule 2 difference: what listing would provide

Schedule 2 of the Conservation of Habitats and Species Regulations 2017 lists European Protected Species (EPS). These include all bat species, hazel dormouse, otter, great crested newt and, since October 2022, the Eurasian beaver. Schedule 2 listing provides a distinct level of statutory protection under domestic UK law, including a species-licensing regime, planning-system integration and strict protection of breeding sites and resting places. Listing under Schedule 2 has four practical effects.

3.1 Licensing under Regulation 55

Under Regulation 43, it is an offence to deliberately capture, injure, kill or disturb a Schedule 2 species, or to damage or destroy a breeding site or resting place. Any activity that would otherwise constitute an offence requires a licence from Natural England under Regulation 55. The licence test is demanding: an applicant must demonstrate that the activity is for one of the purposes set out in Regulation 55(2), that there is no satisfactory alternative, and that the action will not be detrimental to the maintenance of the species at a favourable conservation status.

3.2 Integration into planning and development decisions

Planning authorities must treat EPS as a material consideration when determining applications. Where records, habitat or other evidence indicate likely effects, an appropriate ecological survey and assessment may be required before determination. Proposals should identify avoidance, mitigation and, where necessary, compensation. If development would otherwise constitute an offence, an EPS licence is required before the relevant works proceed. The planning system can therefore address risks before development begins, rather than relying on criminal enforcement afterwards.

3.3 Strict protection of breeding sites and resting places

Regulation 43(1)(d) protects breeding sites and resting places from damage or destruction whether or not the animal is present at the time. This is stricter and more clearly defined than the WCA 1981 provision relating to structures or places used for shelter or protection.

3.4 Favourable conservation status as a licensing test

Where a licence is required, Natural England must be satisfied that the action will not be detrimental to maintaining the species at favourable conservation status in its natural range. Conservation status therefore has a direct role in decisions on otherwise unlawful activity.



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4 The beaver precedent

The Beavers (England) Order 2022 (S.I. 2022/858) is an example of a species being added to Schedule 2 by statutory instrument. It provides a clear and instructive precedent for the Schedule 2 mechanism, though, as set out below, the red squirrel route involves one additional step.

4.1 The legal mechanism

The Order was made by the Secretary of State under powers conferred by Regulation 143(1) of the Conservation of Habitats and Species Regulations 2017 and Section 22(5)(a) of the Wildlife and Countryside Act 1981.

Regulation 143(1) allows the appropriate authority to amend Schedule 2 to add a species already listed in Annex IV(a) of the Habitats Directive, where satisfied that the natural range of that species includes an area in Great Britain. The Eurasian beaver was already an Annex IV(a) species, so the addition could be made under Regulation 143(1) directly, without any prior amendment of the Annex. Article 2 of the Order inserted the beaver into Schedule 2; Article 3 made consequential amendments to Schedule 9 of the Wildlife and Countryside Act 1981, moving the species from the Part 1B list of animals no longer normally present into the Part 1A list of native animals.

The red squirrel route is not identical, and it is important to be precise about this. Because the red squirrel is not currently listed in Annex IV(a), the addition to Schedule 2 requires two stages. First, the retained Annex IV(a) is amended to include *Sciurus vulgaris* under Regulation 144(2), the power to make amendments to the Annexes for the purpose of adapting them to technical and scientific progress; then Schedule 2 is amended to add the species under Regulation 143. The amendments may be combined in a single instrument, with the precise procedural form settled by parliamentary counsel. The beaver precedent therefore remains directly relevant to the Schedule 2 mechanism, the Bern Convention framing and the impact-assessment approach, while the red squirrel listing additionally uses the established Regulation 144 power to update the Annex.

4.2 The international framework

The Explanatory Memorandum to the 2022 Order set out the international framework underpinning the listing: Article 7 of the Bern Convention (Convention on the Conservation of European Wildlife and Natural Habitats) requires contracting parties to take appropriate and necessary legislative and administrative measures to ensure the protection of wild fauna species listed in Appendix III. The red squirrel (*Sciurus vulgaris*) is listed in Appendix III of the Bern Convention. The same international obligation that supported the beaver listing therefore applies, in principle, to the red squirrel.

4.3 Impact assessment

The Explanatory Memorandum stated that a full impact assessment had not been produced for the 2022 Order because no significant impact on the private, voluntary or public sector was foreseen. The beaver precedent therefore demonstrates that the form and extent of impact assessment depend on the effects anticipated; no full assessment was required in that case because no significant sectoral impact was foreseen. The instrument is reviewable in ten years.

4.4 Outcome

Since 1 October 2022, the Eurasian beaver in England has received the full suite of EPS protections: offences relating to deliberate disturbance, capture, killing or injury; protection of breeding sites and resting places; licensing where an activity would otherwise constitute an offence; and integration into planning decisions. The change required no primary legislation. It was achieved by statutory instrument under existing powers.

5 The ecological case for red squirrel listing

The legal route to Schedule 2 listing has two stages: amendment of the retained Annex IV(a) to include *Sciurus vulgaris* under Regulation 144(2), followed by amendment of Schedule 2 to add the species under Regulation 143. The Regulation 143(1) test requires the appropriate authority to be satisfied that the natural range of the species includes an area in Great Britain. The red squirrel meets this test unambiguously: it has been present in Britain for approximately 10,000 years and is the only native squirrel species. The Regulation 144(2) power to adapt the Annexes to scientific progress is well suited to recognising a long-established native species whose conservation status has been formally assessed as Endangered.

5.1 Population trajectory

Britain's red squirrel population has declined from an estimated 3.5 million historically to between 120,000 and 290,000 today, against approximately 2.7 million non-native greys. Estimates differ: the 2018 review of British mammals (Mathews et al., 2018) put the Britain-wide figure at approximately 287,000, towards the upper end of that span and itself carrying substantial uncertainty. England may hold as few as 15,000; NECR669 used a modelled starting range of 15,000 to 29,500 as a scenario input rather than a field census. On any of these figures reds are rarer in England than the otter (tens of thousands) and the hazel dormouse (low hundreds of thousands), both Schedule 2 species.

5.2 Conservation status

Red squirrels are classified as Endangered on the Red List for Britain's Terrestrial Mammals (Mathews and Harrower, 2020), and as Endangered in England and Wales specifically. Natural England's own technical documentation acknowledges that GB-wide Red List assessments can underestimate extinction risk at England scale.

5.3 Extinction modelling

Natural England's Red Squirrel Recovery Strategy (NECR669, April 2026) modelled 18 management scenarios over six years of stakeholder consultation. Under a 'do nothing' scenario, the modelling indicates a high probability of mainland extinction in England within approximately 25 years (by 2051). Maintaining the status quo, or switching to non-lethal grey squirrel management alone, also resulted in a high probability of mainland extinction within that window.

5.4 Why species-level protection alone is insufficient

The WCA 1981 protects individual animals and immediate shelter, but the principal threats to red squirrels operate at landscape scale: grey squirrel expansion, squirrelpox virus transmission, and the effects of woodland management. In the larger northern strongholds, such as the Lakes and Northumberland, woodland often remains sufficiently connected at landscape scale even where harvesting takes place, so outright fragmentation is not always the primary concern.

The more significant and under-recognised harm is the direct toll that felling operations can impose: the loss of occupied dreys, mortality of young, and the forced dispersal of both juveniles and adults into less suitable habitat. These effects are plausible and, in the judgement of red squirrel specialists, real, but they remain largely unquantified in the published literature. Effective protection therefore requires the likely effects of an operation to be assessed in advance, on a precautionary basis, rather than relying on penalties after individual animals or dreys are damaged. Schedule 2 listing would place red squirrels within a framework that requires such effects on the species, its breeding sites and resting places to be considered before damaging activity proceeds and, where a licence is needed, tested against favourable conservation status. Camera-trap research on Anglesey found red squirrel abundance negatively associated with canopy openness, with lower abundance at Newborough likely to reflect heavy thinning and reduced crown connectivity, although the consequences for reproduction and survival remain uncertain (Shannon, Valle and Shuttleworth, 2023).

6 What Schedule 2 listing would change on the ground

The strongest case for Schedule 2 listing lies in the practical effect on woodland and planning decisions. The following are illustrative scenarios, drawn from the typical operation of EPS protection for comparable species. They are presented without identifying specific sites.

Scenario 1: Commercial felling in a red squirrel stronghold

Under the current framework, a commercial forestry operation in a stronghold area is governed by Operations Note 65, which is advisory. Under Schedule 2, where the nature or location of a proposed operation indicates a reasonable likelihood of effects on red squirrels or their breeding sites or resting places, appropriate ecological survey and assessment would be needed. If the operation would otherwise constitute an offence, an EPS licence from Natural England would be required. The licence tests include the absence of a satisfactory alternative and no detriment to maintaining the species at favourable conservation status. The threshold would shift from advisory guidance alone to a statutory assessment and licensing process where legal risks arise.

Scenario 2: Planning application affecting red squirrel woodland

Under the current framework, local planning authorities are subject to the section 40 biodiversity duty and must already consider protected species where they are likely to be affected, and can require survey work before determining an application. Schedule 2 listing would bring red squirrels within the same protected-species planning framework as bats and dormice. Where evidence indicates likely presence or effects, developers would need to provide appropriate survey and assessment before the application is determined. If the proposals would otherwise constitute an offence, the authority would need sufficient information to assess the likely effects and the relevant licence would have to be obtained before the works proceeded. Most disputes could therefore be resolved through avoidance or better design before consent, rather than through planning appeal or criminal prosecution after the fact.

Scenario 3: Public-body land management in red squirrel areas

Forestry England and other public bodies already operate under the NERC section 40 biodiversity duty. Schedule 2 listing would bring relevant land-management activities within a structured protection and licensing regime. Public bodies would need to identify and avoid offences, assess effects where risks arise, and obtain a licence where an operation would otherwise be unlawful. The administrative effect would be similar to current obligations in respect of bats on public land.

Scenario 4: Cumulative habitat fragmentation

A further practical effect concerns the cumulative impact of woodland operations, where individual felling or development decisions are individually small but collectively serious. This applies both to built development, such as housing on woodland edges, and to more isolated forests where a large proportion of the stand reaches harvesting age at a similar time. Because replanted woodland can take twenty-five years or more to become suitable for red squirrels again, in the sense of producing tree seed, a significant gap in usable habitat can open up that affects local population survival. Voluntary approaches have shown what good practice looks like: conservation specialists have worked with foresters to phase operations and retain connectivity, for example in the Kielder area (Kidland Forest), though such measures currently depend on goodwill rather than legal requirement. Where a licence is required, the favourable conservation status test provides a legal mechanism for considering an operation alongside other pressures on the population, and on a precautionary basis, rather than treating each decision in complete isolation.

7 Counter-arguments and responses

Several objections may be raised. Each is addressed below.

7.1 "Red squirrels are not listed in the Habitats Directive Annex IV"

This is correct, but it is not an obstacle; it simply defines the route. Schedule 2 is the domestic UK list of European Protected Species, and Regulation 143(1) permits additions to Schedule 2 for species listed in Annex IV(a) of the Habitats Directive. Because the red squirrel is not currently in Annex IV(a), the listing is achieved in two stages: first the retained Annex IV(a) is amended to include the species under Regulation 144(2), the power to adapt the Annexes to technical and scientific progress; then the species is added to Schedule 2 under Regulation 143(1). This differs from the beaver, which was already an Annex IV(a) species and could be added to Schedule 2 directly. The red squirrel route uses two existing statutory powers in sequence, with the precise procedural form to be settled by parliamentary counsel. The Bern Convention provides the international backdrop: the red squirrel is listed in Appendix III, and Article 7 requires appropriate protective measures for Appendix III species.

7.2 "Schedule 2 will impose costs on landowners and developers"

Costs of ecological survey and licensing apply across the EPS system for comparable species. The Explanatory Memorandum to the 2022 Beaver Order stated that no significant impact on the private, voluntary or public sector was foreseen, and that no full impact assessment was required. This shows that Schedule 2 listing need not be administratively disproportionate. However, because a red squirrel listing could affect commercial forestry, Save Our Reds CIC considers that a proportionate impact assessment and consultation are likely to be appropriate. Red squirrels occupy defined stronghold areas, so arrangements can be targeted and transitional.

7.3 "Existing protections are sufficient"

Natural England's own modelling indicates a high probability of mainland extinction within 25 years under current management. By any reasonable test, the existing protection framework is not delivering favourable conservation status. The question is not whether existing protections exist (they do), but whether they are sufficient to prevent extinction (they are not).

7.4 "The Wildlife and Countryside Act already covers this"

The WCA 1981 prohibits killing, injuring or taking individual animals and damaging structures or places used for shelter or protection. It does not establish the equivalent Schedule 2 licensing tests or integrate those tests consistently into planning and development decisions. Nor does it provide the same explicit protection for breeding sites and resting places whether or not an animal is present at the time. The proposition is not that the WCA should be replaced, but that Schedule 2 should sit alongside it. This layered approach already applies to several native species, including bats, dormice and otters.

7.5 "Grey squirrel management would become more difficult"

Schedule 2 protection applies to the listed species (red squirrels), not to grey squirrels. Grey squirrel management would continue under the current legal framework. Indeed, Schedule 2 listing would strengthen the case for properly resourced grey squirrel management as a tool to maintain favourable conservation status of the red squirrel population.

7.6 "Would this ban commercial forestry in red squirrel areas?"

No. Schedule 2 creates a protected-but-licensable regime, not an outright ban on felling. Forestry and land management can and do continue in areas holding EPS such as bats and dormice. Where likely effects arise, operations may require ecological assessment; where they would otherwise constitute an offence, licensing is required. The effect is to raise the bar and require proper assessment before damaging operations proceed, not to prohibit them. Where the statutory tests are met, a licence can be granted. This is the same proportionate framework already applied to comparable native species.

7.7 "Would a formal impact assessment be needed?"

Very likely, yes. Unlike the low-impact 2022 Beaver Order, a red squirrel listing that touches commercial forestry operations would in all likelihood require a full impact assessment. Save Our Reds CIC accepts this openly. A proportionate assessment would allow the forestry sector, Natural England and conservation bodies to identify workable licensing thresholds and transitional arrangements. The campaign's position is that this is a manageable process, not an obstacle: comparable species have been brought within the EPS framework with proportionate arrangements, and there is no reason red squirrels should not follow the same path.

7.8 "Could licensing simply become a rubber stamp for timber extraction?"

No. The licence tests are deliberately demanding, and they are the opposite of a rubber stamp. Before a licence can be granted, an applicant must show that the activity is for a permitted purpose, that there is no satisfactory alternative, and that the action will not be detrimental to maintaining the species at favourable conservation status. The precautionary principle, as set out in the Government's own environmental principles policy statement, is risk-based and proportionate: it does not create an automatic presumption against consent, but it does mean that where there is a risk of serious or irreversible harm, a lack of full scientific certainty should not be used as a reason to postpone cost-effective, proportionate protective measures. In practice this raises the bar for felling in occupied red squirrel habitat and requires operators to demonstrate that likely effects have been properly assessed, and avoided or mitigated, rather than allowing routine extraction to proceed unexamined.

THE PROPOSITION, RESTATED

Schedule 2 listing does not stop forestry. It requires that where an Endangered native species is likely to be affected, the effects are assessed before the chainsaws arrive rather than regretted afterwards. That is the same test already applied to bats, dormice and otters, and nobody argues it has stopped development.



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8 Recommendations and next steps

Save Our Reds CIC recommends that government take the following steps over the next twelve months.

- **Lay the secondary legislation needed to add *Sciurus vulgaris* to Schedule 2 of the Conservation of Habitats and Species Regulations 2017.** This is a short two-stage sequence: first amend the retained Annex IV(a) to include the species under Regulation 144(2); then amend Schedule 2 to add it under Regulation 143. The amendments may be combined in a single instrument, with the precise procedural form settled by parliamentary counsel.
- **Review the interaction between Schedule 2 listing and the red squirrel's existing protection under Schedule 5 of the Wildlife and Countryside Act 1981,** and make only those consequential amendments that are legally necessary. The Beavers (England) Order 2022 provides a model for the use of a targeted statutory instrument, although the required consequential amendments would not necessarily be identical.
- **Publish a brief Explanatory Memorandum** setting out the international obligation (Bern Convention Appendix III), the ecological evidence (NECR669, Red List status), and the practical effect of the listing.
- **Commission Natural England to issue interim licensing guidance** for operators in red squirrel areas before the listing comes into force, ensuring a smooth transition for existing forestry and woodland management.
- **Treat Schedule 2 listing as a Britain-wide priority,** with parallel instruments in Scotland (under the Conservation (Natural Habitats &c.) Regulations 1994) and Wales, recognising that the red squirrel range and the conservation challenge are not bounded by national borders.

Schedule 2 listing is a short, defined sequence of achievable legal steps. The mechanism exists. The precedent exists. The international framework exists. The ecological evidence, while incomplete on the precise mechanisms of felling-related harm, is more than sufficient to establish that an Endangered native species faces plausible and potentially irreversible harm from routine operations. Where that is so, the precautionary principle is the proper basis for action. What is required is the political decision to use the mechanism.

Schedule 2 within a layered legal architecture

Schedule 2 listing is the flagship ask because it would deliver the strongest single uplift in enforceable species protection, breeding-site and resting-place protection, and licensing. It sits within a broader legal architecture that Save Our Reds CIC is developing across its briefing paper series.

Complementary measures include: closing the felling gap by making a wildlife impact assessment and Natural England sign-off a mandatory, enforceable condition of any felling licence in known red squirrel areas; giving statutory force to Natural England's Recovery Strategy through a Species Conservation Strategy under the Environment Act 2021, with a named delivery body, a published timetable and a funding pathway; and targeted site designation for the most important surviving stronghold woodlands. These are complementary asks, not alternatives.

Schedule 2 remains the flagship because it would add an enforceable protection and licensing framework at species level.

"The legal mechanism already exists. The precedent already exists. The ecological evidence already exists. The Government's own policy recognises the problem. The remaining question is whether Ministers will use the powers they already possess."

SAVE OUR REDS CIC, OCTOBER 2026

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Any remaining errors are the responsibility of Save Our Reds CIC. This paper does not constitute legal advice. It is intended to inform policy discussion among DEFRA officials, parliamentarians, conservation bodies, planning professionals and journalists.

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About this briefing paper series. Save Our Reds CIC publishes short, referenced policy briefings on conservation issues affecting Britain's native red squirrels. The series is intended to support evidence-based policy discussion. Future briefing papers will examine the enforcement gap in current wildlife law, the operational delivery of biodiversity set-aside, the case for a Britain-wide red squirrel recovery strategy, and the funding gap for squirrelpox vaccine and grey squirrel fertility control research.