

Wildlife and Countryside Link response to the consultation on the draft Code of Practice for Species Control Provisions in England

25 February 2016

Wildlife and Countryside Link (WCL) brings together 47 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practise and advocate environmentally sensitive land management, and encourage respect for and enjoyment of natural landscapes and features, the historic and marine environment and biodiversity. Taken together our members have the support of over 8 million people in the UK and manage over 750,000 hectares of land.

This consultation response is supported by the following organisations:

- A Rocha
- Angling Trust
- Buglife UK - the Invertebrate Conservation Trust
- Plantlife
- Royal Society for the Protection of Birds
- Royal Society for the Prevention of Cruelty to Animals
- The Wildlife Trusts
- Wildfowl and Wetlands Trust
- Woodland Trust
- Zoological Society of London

Executive Summary

We welcome the opportunity to respond to this consultation on the draft Code of Practice for Species Control Provisions in England. This guidance is extremely important in order to ensure the new regulations concerning species control provisions that were introduced by the Infrastructure Act are implemented in the way they were intended.

We found the document helpful in some respects, and we particularly support the inclusion of the section on widespread species, however in some cases important omissions have been made and there are a number of areas where the text could be made clearer. We feel that further work is needed in order to provide the guidance that is necessary to carry out Species Control Orders and Agreements effectively.

Our detailed comments and suggested changes to the text of the Code of Practice are set out in the Annex. Further observations on structure and content are set out below.

Structure

We understand that the key aim of DEFRA's recent guidance reforms was to provide "smarter guidance" but feel that this document fails in that regard. The over simplification, disjointed structure, lack of information, and inconsistent use of important terminology has meant that the guidance becomes unclear in places, which is likely to result in confusion. The structure would be improved if the Code of Practice was split into two sections: one on invasive non-native species (INNS), and another on native species no longer normally present.

Terminology, Definitions

We recommend that the terminology and definitions used in the Infrastructure Act 2015 must be used consistently throughout the Code of Practice (see definitions below). This is essential in order to avoid confusion.

We recommend including a set of definitions at the beginning of the document, including but not limited to:

- Non-native species: “a species (i) whose natural range does not include any part of GB, and (ii) which has been introduced into GB or is present in GB because of other human activity” as in Part 4 of the Infrastructure Act.
- Native animal species that fall within the scope of the provisions: “(a) a species listed in Part 1B of Schedule 9 or (b) a species (i) whose natural range includes all or any part of Great Britain, **and** (ii) which has ceased to be ordinarily resident in, or a regular visitor to, Great Britain in a wild state”, **and** has been re-introduced to England as the result of unlicensed human actions. (rather than using the term ‘indigenous’ which is not in the Act) as in Part 4 of the Infrastructure Act.
- Premises: “land (including buildings), moveable structures, vehicles, vessels, aircraft, and other means of transport”

A definition is also needed for what constitutes a 'significant negative effect on' economic or social interests (see suggestion on page 5 under “Decide if the species is likely to have a significant impact and needs to be controlled as a priority”). The Code of Practice needs to provide guidance otherwise it is a very subjective test which could be exploited by vested interests to the detriment of native species and biodiversity.

Scope – algae and fungi?

It would be helpful to have clarification that an invasive non-native plant includes both vascular plants and non-vascular plants such as algae. There is no mention of fungi within the draft guidance document, or any indication as to whether fungi are considered plants for the purposes of these provisions. Fungi are a separate kingdom and a distinction should be made within the document. Equally, clarification of when a fungus may be considered an invasive threat versus a disease threat would be helpful.

Contact Details of Agencies

While we understand that this document will be aimed at the environmental authorities in England, they in turn will benefit from the help of stakeholders in identifying problem areas. It follows that if the Code of Practice is to be publicly available online then contact details for the environmental authorities need to be made available - such as a Natural England email address for invasive non native species issues. This will allow a landowner or reserves manager, or any other stakeholder or member of the public, to alert authorities to a situation where species control measures may be required.

Listing of species

The section entitled *Animals and Plants you can control* (pg 1) within the draft guidance document lists species which may be the subject of these provisions. The guidance seems to suggest that the list of invasive animals is non-exhaustive but does not make this claim regarding the plant list, therefore suggesting the list of plants is exhaustive. This is confusing. Instead of duplicating lists, we propose the inclusion of a few examples and then reference to the relevant sections in the Infrastructure Act 2015 and Wildlife and Countryside Act 1981. We strongly recommend using the wording in section 2.4 of the draft Code of Practice for species control provisions in Wales¹. See below:

‘2.4 Scope of the measures

12 The scope of these measures includes any animal whose natural range does not include Great Britain (i.e. non-native species) where such species can be shown to be, or be capable of being, invasive. This includes, but is not limited to, the non-native animals that have become ordinarily resident in Great Britain that are listed in Part 1 of Schedule 9 of the Wildlife and Countryside Act 1981.

13 The measures also can be applied to those non-native plant species that are listed on Part 2 of Schedule 9 to the Wildlife and Countryside Act 1981.

¹ <http://gov.wales/consultations/environmentandcountryside/code-of-practice-species-control/?status=open&lang=en>

14 The scope also extends to animals that are re-introduced to Wales within their natural range but which are no longer normally present in the wild, where this is the result of unlicensed human actions. This includes animals listed on Part 1B of Schedule 9 to the Wildlife and Countryside Act 1981.

15 The scope does not apply to a small number of native species on Part 1A of Schedule 9 that are listed there to ensure that any releases are carried out appropriately.'

Furthermore, species lists provided in a Code of Practice document may quickly become outdated as the relevant lists in the legislation are updated. This would require more regular updating of the Code of Practice than would be required otherwise

Naturally colonising species

We are concerned at potential confusion that may arise over naturally colonising species (pg 4). Clarification is needed regarding who decides when a species is naturally colonising and extending its natural range and so is not subject to any control orders, versus when a species has been introduced by human actions and so is subject to the orders described in this document. Likewise, guidance is also required on whether these provisions can be applied in situations where a species reintroduced under licence in a particular area spreads, and starts naturally re-colonising other areas.

Minimum number of individuals to warrant control provisions

Further clarification is required under the section titled *Decide if you need to offer a species control agreement* (pg 4), as to whether there is a minimum number of individuals of a species that are needed, before a species control agreement or order can be entered into. We recommend that action should be taken at the earliest possible stage of the invasion. It is likely that, in most cases, smaller numbers of individuals can be controlled in a shorter timeframe, which would be more economically effective, and likely to be more successful. It is also important to note that the impact of individuals will vary according to the species and their ecology. Therefore there should be no minimum population size required before these species control provisions can be implemented.

Further information

Any questions concerning this brief should be addressed to the undersigned in the first instance.

Sheila Wren

Head of Policy and Campaigns
Wildlife and Countryside Link
sheila@wcl.org.uk
0207 8208600

Annex: Link detailed comments and suggested changes to the text of the Code of Practice for Species Control Provisions in England.



Wildlife and Countryside Link
89 Albert Embankment, London, SE1 7TP
W: www.wcl.org.uk

Wildlife and Countryside Link is a registered charity (No. 1107460) and a company limited by guarantee in England and Wales (No.3889519)