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Llywodraeth Cymru  
Welsh Government

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Welsh Government

## Consultation Document

### Code of Practice for Species Control Provisions in Wales

Date of issue: 12 January 2016  
Action required: Responses by 5 April 2016

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

**Overview** The Infrastructure Act 2015 amended the Wildlife and Countryside Act 1981 to introduce species control provisions to ensure that, in certain circumstances, appropriate action can be taken against invasive non-native species.

The new provisions grant Welsh Ministers and Natural Resources Wales powers to require owners to carry out control operations against invasive non-native species, or allow them to do so themselves, where an owner has refused to act or allow access. The provisions may also be applied to formerly resident native animals where the animals have been released unlawfully without the necessary approvals from Natural Resources Wales.

This draft code of practice sets out how these provisions should be applied in practice in Wales. The English Government has consulted separately on its draft code of practice

**How to respond** E-mail, post or by completing an online form.

**Further information and related documents** **Large print, Braille and alternative language versions of this document are available on request.**

Draft Code of Practice for Wales on Species Control Provisions:  
<http://gov.wales/consultations/environmentandcountryside/code-of-practice-species-control/?lang=en>

**Contact details** For further information:

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## **Data protection**

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

## **Background**

Section 23 of the Infrastructure Act 2015 amended the Wildlife and Countryside Act 1981 by inserting a new Schedule 9A to introduce a statutory regime of species control agreements and orders to ensure that, in appropriate circumstances, landowners take action on invasive non-native species and formerly resident native species, or permit others to enter the land and carry out those operations, to prevent their establishment and spread. The environmental authorities with the powers to make species control agreements or orders in Wales are the Welsh Ministers and Natural Resources Wales.

## **Reason for change**

An increasing number of species are being transported, either deliberately or unintentionally, outside their natural range by man. Whilst many of these non-native species may have positive benefits, for example to the agriculture, forestry, horticulture, fisheries and pet sectors, a small percentage of these species, known as invasive non-native species, can have negative impacts. Invasive non-native species are one of the biggest threats to our environment. They cost the UK economy about £2 billion per annum and some even threaten our health. The Welsh Government takes this issue very seriously and recognises that preventing invasive non-native species becoming established is better than trying to control them after they become established, when it is often very expensive or is no longer a viable option.

To do this, the Welsh Ministers or Natural Resources Wales will need to be able to act rapidly when a new threat is discovered. Gaining access to property to control a newly arrived invasive non-native species that is causing, or is likely to cause, harm can be vital. Normally this is achieved voluntarily as most landowners are happy to allow access to their land. However, it is necessary to ensure that this can be achieved at all times, even if it is not known who owns the property in question. These new powers will ensure that the Welsh Ministers or Natural Resources Wales can gain access to the land and remove an invasive non-native species before it becomes more widely established.

Illegal reintroductions of formerly resident native species could also, under certain circumstances, have significant negative impacts on environmental, social or economic interests because of changed circumstances since they were last present in Wales. In addition, such reintroductions could have an adverse impact on the welfare of the individual animals that are released if they are released into an environment which is not suitable for their needs. The Welsh Ministers or Natural Resources Wales may need to act to address unlicensed reintroductions in these circumstances. This will normally be possible by agreement but there may be rare cases where access to land through control powers will be necessary as a last resort.

## **Why are we Consulting?**

The purpose of this consultation is to seek your views on the draft code of practice which sets out how these provisions should be applied in practice. We are not consulting on the provisions themselves as these have already been determined by the Welsh Ministers and the UK Parliament and now form part of the Wildlife and Countryside Act 1981.

## **Consultee List**

Angling Cymru  
Animal and Plant Health Agency  
Blaenau Gwent County Council  
Brecon Beacons National Park Authority  
Bridgend County Borough Council  
British and Irish Association of Zoos and Aquariums  
British Association for Shooting and Conservation  
British Marine Federation  
Buglife  
Caerphilly County Borough Council  
Canal and River Trust  
Canoe Wales  
Cardiff Council  
Carmarthenshire County Council  
Ceredigion County Council  
City and County of Swansea  
Conwy County Borough Council  
Country Land and Business Association:  
Countryside Alliance  
Denbighshire County Council  
Farming and Wildlife Advisory Group  
Farming Union Wales  
Flintshire County Council  
Gwynedd Council  
Isle of Anglesey County Council  
John Muir Trust  
LAC Group  
Merthyr Tydfil County Borough Council  
Monmouthshire County Council  
National Farmers Union  
National Gamekeepers Organisation  
National Trust  
National Wildlife Crime Unit  
Natural Resources Wales:  
Neath Port Talbot County Borough Council  
Newport City Council  
Ornamental Aquatic Trade Association  
Pembrokeshire County Council  
Plantlife  
Powys County Council  
Property Care Trust  
Reptile and Exotic Pet Trade Association  
Rivers Trust  
Royal Horticultural Society  
Royal Society for the Protection of Birds  
Royal Yachting Association  
Shellfish Association of Great Britain  
Snowdonia National Park Authority  
Sustainable Users Network  
Taff County Borough Council