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Llywodraeth Cymru  
Welsh Government

Welsh Government

Consultation – summary of response

# Code of Practice for Species Control Provisions in Wales

April 2017

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.

This document is also available in Welsh.

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## 1. Introduction

This document summarises the responses to a Welsh Government consultation which sought views on a draft Code of Practice for species control provisions relating to invasive non-native species and, in certain circumstances, formerly native species.

An invasive non-native species (INNS) (the equivalent of 'invasive alien species' or 'IAS') is defined as a non-native organism (plant or animal) that has the ability to spread causing negative effects on our economy, environment, or health.

INNS are a substantial environmental and economic threat to Wales and are estimated to cost £125 million to tackle annually.

The combination of increased global movement of people and goods along with climate change will increase the threat of INNS over the next few decades.

The Welsh Government takes this issue very seriously and recognises that preventing invasive non-native species from becoming established is more effective than trying to control them after they become established, which may prove very expensive or is no longer a viable option. INNS do not respect borders and to tackle them, Wales collaborates with authorities across Great Britain; this approach is set out in GB Invasive Non-Native Species Strategy.

In 2015 **species control provisions** were introduced in law to ensure that, in certain circumstances, appropriate action can be taken to control INNS.

The provisions grant Welsh Ministers and Natural Resources Wales powers to require owners to carry out control operations against invasive non-native species, or allow Natural Resources Wales to carry out those operations, where the voluntary approach has failed and 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.

The Welsh Government held a public consultation on a draft Code of Practice for species control provisions which set out how these provisions should be applied in Wales. The consultation ran from **12 January 2016 until the 5 April 2016**.

The Code relates to Wales only. The Department for Environment, Food and Rural Affairs (DEFRA) consulted on a separate code of practice for England.

The consultation set out the following questions:

1. What comments do you have on the draft Code of Practice?
2. Is the proposed Code of Practice clear to understand and practical to implement?

### 3. Any other comments

## 2. Overview of responses

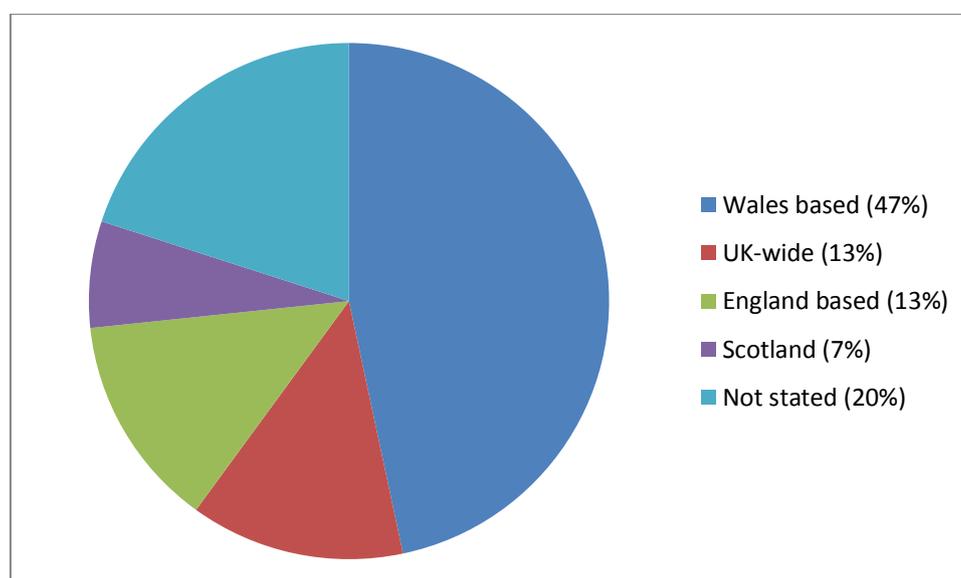
A total of 15 consultation responses were received. There was an even spread of responses from individuals, government or agencies, the private and commercial sector and third sector interests. A list of respondents to the consultation is provided in the Appendix.

**Table 1 - breakdown of responses by sector**

Category of Respondents	Number of Respondents
Individual	3
Government / Public Sector	3
Private or commercial sector	3
Third Sector (trade bodies / unions)	3
Third Sector (conservation / animal welfare)	3
Total	15

Of the 15 responses received, nearly half were from organisations or businesses based in Wales. 2 were from UK-wide organisations, 2 from England based organisations or businesses and 1 from Scotland. None of the three individuals who responded stated their location.

**Table 2 – breakdown of response by location**



No responses were received in the Welsh language.

73% of respondents replied by email via the [Plant.Health@wales.gsi.gov.uk](mailto:Plant.Health@wales.gsi.gov.uk) mailbox 27% if respondents provided information via an online survey.

No comments were made suggesting the Code was not welcome. Of the 15 responses received nearly half of the respondents made comments welcoming either; the development of a Code of Practice or; the content of the draft Code of Practice or; the opportunity to comment on the Code of Practice. Examples where respondents welcomed the approach or the content of the Code include:

*“NFU Cymru believes that rapid response plans for early eradication or containment are far more cost effective than waiting until an Invasive Non-Native Species has become entrenched and difficult to control”.*

*“We welcome the approach to include all relevant information on the scope and use of the powers in this Code by 'environmental bodies' in Wales as defined in the Act as the Welsh Minister (WG) and Natural Resources Wales (NRW)”.* Natural Resources Wales

*In general, we support the intention of the consultation to address the threat of Invasive Non-Native Species (INNS).* Wildlife Trusts Wales

### **3. Analysis of responses**

#### Question 1 – What comments do you have on the draft Code of Practice?

12 respondents directly provided comments in relation to Question 1.

One of the 12 respondents who provided comments in response to Q1 made a brief statement of general support for a Code of Practice to enable the removal of INNS to take place more easily. The other 11 respondents provided more detailed comments. These have been summarised and broken down in to categories - set out below.

#### ➤ Greater clarity required

The majority of the 11 respondents providing comments in relation to question 1 suggested greater clarity is required on certain points within the Code of Practice. These included;

- the definition of an 'environmental authority',
- geographic scale (local versus national control),
- reinforcing the use of recognised experts for management of INNS,
- clarification of who pays where a landowner runs a site that others use and where the owner is unlikely to have been responsible for the introductions of INNS but the users are,
- reinforcing the voluntary nature of species control agreements,
- biosecurity measures,
- reinforcing that species control arrangements do not override other legislative requirements such as consents, exemptions and agreements,
- the definition of dwelling within the context of the provisions,
- that non-lethal methods of resolving problems should be considered as part of the assessment process,

- whether powers would be used in conjunction with Plant Health Orders.

A small number of those 11 respondents also suggested additional text should be included relating to;

- connected obligations under other EU Directives such as the Water Framework Directive and Habitats Directive,
- the join-up within this work with other UK administrations and agencies such as the GB non-native species secretariat.

➤ Early engagement

Several respondents stressed the benefits of early engagement with landowners and tenants when developing agreements to make the voluntary approach more effective and to ensure effective implementation of an agreed plan.

➤ Resources

A number of respondents referred to a requirement for the species control regime to be adequately resourced. This included references to;

- concerns that the GB Non-Native Species Secretariat is not adequately resourced to provide additional expert advice and assessments to support this work,
- funding sources to be identified to help tackle the problems,
- additional resourcing for training to help implement the Code including: using the legislation and potential alternatives such as Community Protection Notices; using powers of entry and gaining access to land, survey and surveillance methodologies; developing management prescriptions and the provision and content of Species Control Agreements and Species Control Orders,

➤ Rapidity of response and triggers for action

One respondent raised concerns that the process is cumbersome for critical situations and would not affect a 'rapid response' in reality. Several respondents queried the triggers for emergency responses and eradication programmes.

➤ Other species specific comments

Several respondents were concerned with species specific issues more than the Code itself. One respondent highlighted their disagreement with the statement in the Code that reintroduction of former native species can be an important conservation action and suggested the provisions should also apply to native species that colonise new areas. Whilst, another respondent highlighted their concerns regarding the inclusion of the Eurasian beaver as '*formerly resident native species/no longer normally present*'. One respondent had no comments on the Code but wished to raise awareness of Winter Heliotrope (*Petasites fragrans*) stating that in south Wales, this plant is not only spreading rapidly on roadside verges, it is also spreading in woodlands, where it forms a dense ground layer, obliterating native plants.

➤ Other comments

One respondent advocated the use of species management plans to promote good practice across the industry. Another respondent suggested Natural Resources Wales email address for invasive non-native species issues should be made available with the Code to allow landowners or reserves managers, or any other stakeholder or member of the public, to alert authorities to a situation where species control measures may be required.

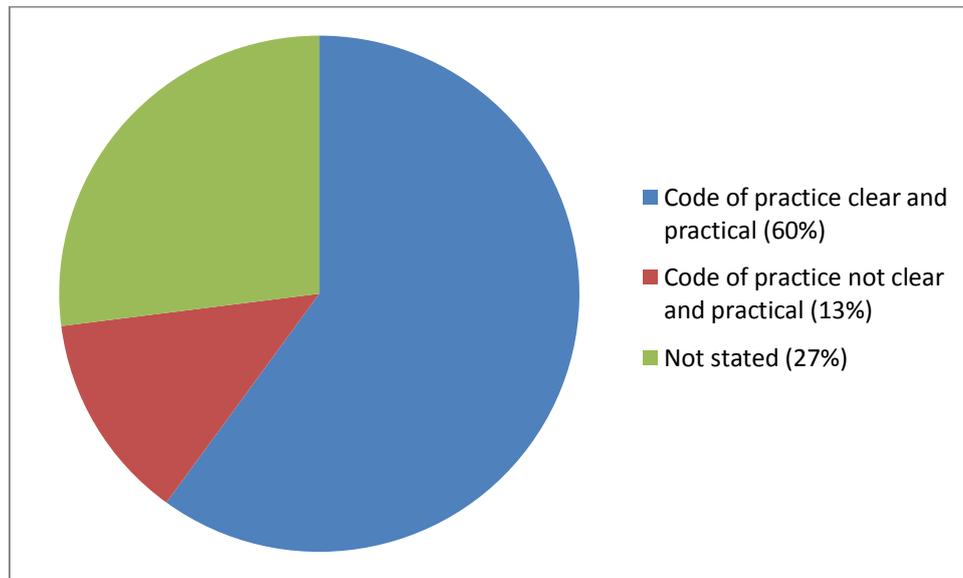
Question 2 – Is the proposed Code of Practice clear to understand and practical to implement?

9 of the 15 respondents responded directly to question 2 confirming that the draft Code of Practice was clear to understand and practical to implement. 4 did not respond directly to this question. 2 organisations indicated that they did not find the draft Code of Practice clear to understand and practical to implement, although both of these respondents indicated the Code was generally clear but requires further clarity on certain points. Two representative examples where further clarity was suggested are set out below.

*“We found the document to be comprehensive and helpful in most respects. However, we feel that some further work is required to provide guidance that is necessary to carry out Species Control Orders and Agreements effectively”.* RSPB

*“Generally, we feel that the proposed Code is clear to understand. The examples of cases provided in the Welsh Government’s draft Code will be very useful for actual implementation. The clarification on ‘reintroduced animals’ provides particularly useful guidance. We do though feel there is one area that may benefit from further clarification in the Code. Paragraphs 52 and 62 include a provision that a species control agreement or order may include details of payments by either the environmental authority or the owner. We are unclear about which party determines who should bear which costs and how much the costs should be.”* Dwr Cymru Welsh Water.

**Table 3 – breakdown of responses to Question 2 (Is the proposed Code of Practice clear to understand and practical to implement?)**



#### Question 3 – Any other comments

2 respondents provided further comments in response to question 3. Both of these comments have been provided within the analysis of question one.

#### **4. Welsh Government response and next steps**

The Welsh Government would like to thank respondents for their time in responding to the consultation. Your comments have been carefully considered.

We are pleased that nearly half of the 15 respondents made comments welcoming either the development of a Code of Practice, or the content of the draft Code of Practice or the opportunity to comment on the Code of Practice and that no respondents said they did not welcome the Code of Practice.

Following the principles of the Well-being of Future Generations Act, the Welsh Government is planning for a better Wales by doing things the right way for our future generations and in so doing improving the social, economic and cultural well-being of Wales. Tackling the issue of Invasive Non-Native Species in Wales is an important step in achieving these goals, goals that requires coordinated action by all partner organisations and communities across Wales.

The GB Invasive Non-Native Species Strategy follows the hierarchical approach set out in the Convention on Biological Diversity, stressing prevention, followed by early detection and rapid response and finally long-term management and control. It is important to be able to act rapidly when a new threat is discovered; gaining access to property to control newly arrived Invasive Non-Native Species can be vital. Access

agreements are usually achieved voluntarily as most landowners are happy to allow access to their land for such purposes. However, it is necessary to ensure that access can be achieved at all times, even if it is not known who owns the property. The Code explains how Species Control Provisions will be used to ensure that the Welsh Ministers or Natural Resources Wales can gain access to the land and remove an invasive non-native species if necessary. The Code of Practice for Species Control Provisions in Wales is one of the tools to help deliver our objectives under the GB Non-Native Invasive Species Strategy.

We have considered the comments where greater clarity or additional information was requested and have amended the Code to reflect this, in particular section 1 (Introduction), 2.4 (Scope of measures), 3.3 (When should an environmental authority enter in to a SCA ) 3.4 (What a SCA must contain), 4.1 (When an environmental authority may make a SCO) and 6.1 (Responsibility for costs).

The Welsh Government recognises the value of collaborative action working with Welsh stakeholders, the GB Non-Native Species Secretariat and other devolved administrations to determine priority actions to control and eradicate invasive non-native species. We will continue to work with our partners to explore where existing resources may be allocated and continue to identify best practice.

**Next steps:**

Lay the amended Code of Practice in the National Assembly for Wales as required by the Infrastructure Act 2015.

Publish the Code of Practice on the Welsh Government and Natural Resources Wales websites.

## **5. Appendix - List of respondents to the consultation**

Associated British Ports

Dŵr Cymru Welsh Water

Natural Resources Wales

NFU Cymru

Pembrokeshire Coast National Park Authority

Property Care Association

RSPB

RSPCA Cymru

Scottish Association for Country Sports

Seafish

Snowdonia Tree Services

Wildlife Trusts Wales

3 x individuals