



Llywodraeth Cymru
Welsh Government

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Welsh Government
Consultation Document

Proposed changes to the Code of Practice for Species Control Provisions in Wales

Date of issue: 29 January 2024

Action required: Responses by 21 April 2024

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Overview

We are seeking your views on proposed changes to the Code of Practice for Species Control Provisions in Wales.

How to respond

Submit your comments by 21 April 2024, in any of the following ways:

- email
- post
- online form

Further information and related documents

This document is available at www.gov.wales/consultations.

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

Email: plant.health@gov.wales

Land, Nature and Food
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

[Mae'r ddogfen yma hefyd ar gael yn Gymraeg / This document is also available in Welsh.](#)

UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, 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. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ
e-mail:
dataprotectionofficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Tel: 0303 123 1113
Website: <https://ico.org.uk/>

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Background

1. The Code of Practice for Species Control Provisions in Wales sets out how the provisions for species control agreements and species control orders contained in the Wildlife and Countryside Act 1981 should be applied by environmental authorities in Wales. The environmental authorities with the powers to make species control provisions in Wales are the Welsh Ministers and Natural Resources Wales (“NRW”). It was first published in 2017.
2. The purpose of species control provisions is to ensure, in appropriate circumstances, landowners are obliged to take action on invasive non-native species (“INNS”) and formerly resident native species, or to permit others to enter the land and carry out those operations, in order to prevent their establishment or spread. Gaining early access to property to control a newly arrived INNS which is causing, or is likely to cause harm, can be important to help prevent its spread before it becomes established and more difficult and more expensive to control. Usually this can be achieved through a voluntary approach 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. The species control provision powers ensure that the environmental authority can gain access to the land and remove an INNS or permit others to enter the land and carry out those operations where appropriate.
3. Species control provisions include species control agreements, species control orders and emergency species control orders. A species control agreement is a more formalised but still voluntary arrangement between an environmental authority and an owner (or owners) of a premises. It sets out the operations that are required to be taken. There is no penalty for failing to comply with a species control agreement, although non-compliance could lead to the making of a species control order. An environmental authority may take action if it considers that the owner who is required by a species control order to carry out an operation has not done so by the date or in the way specified by the order. Where a person fails to comply with the requirements of a species control order this may result in a fine or prosecution. Where an Environmental Authority considers urgent action is required it may issue an ‘emergency species control order’ without any of the preceding steps.
4. Welsh Ministers are required to produce a Code of Practice for Species Control Provisions and to carry out consultation before issuing, revising or replacing the code. The code or its replacement must be laid before the Senedd. The code can be taken into account in any related court proceedings.

What is this Consultation about?

5. We are seeking your views on proposed changes made to the Code of Practice for Species Control Provisions in Wales. The existing code was published in 2017. We are proposing to make changes to update the code. The amendments include aligning some of the text within the code more closely with the legislative requirements, updating references to legislation and legal requirements where new legislation has been introduced since 2017, and amending some of the order

of sections within the code. Updates have also been made so the terms 'must' and 'should' are used more accurately and consistently throughout the document. This follows a report from the former Constitutional and Legal Affairs Committee (CLAC) which stated that the code could be drafted in a clearer way to help Welsh Ministers and Natural Resources Wales understand the use of the terms 'must and should'.

Next steps

6. Following this consultation, we will consider responses and take them into account when finalising an updated version of the code. Once the responses have been considered a Government Response will be published on our website. It is intended the revised code will be adopted by Welsh Ministers, laid in the Senedd and published on our website.

Proposal

7. A version of the Code of Practice is provided with new text shown in **red font** and deletions shown in **red text with strikethrough** (~~viewed like this~~)

How to respond

8. Submit your comments by 21 April 2024, in any of the following ways:
 - email
 - post
 - online form