



Department
for Environment
Food & Rural Affairs

Consultation on the draft code of practice for species control provisions in England

**Summary of responses and government
response**

17 July 2017



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Introduction

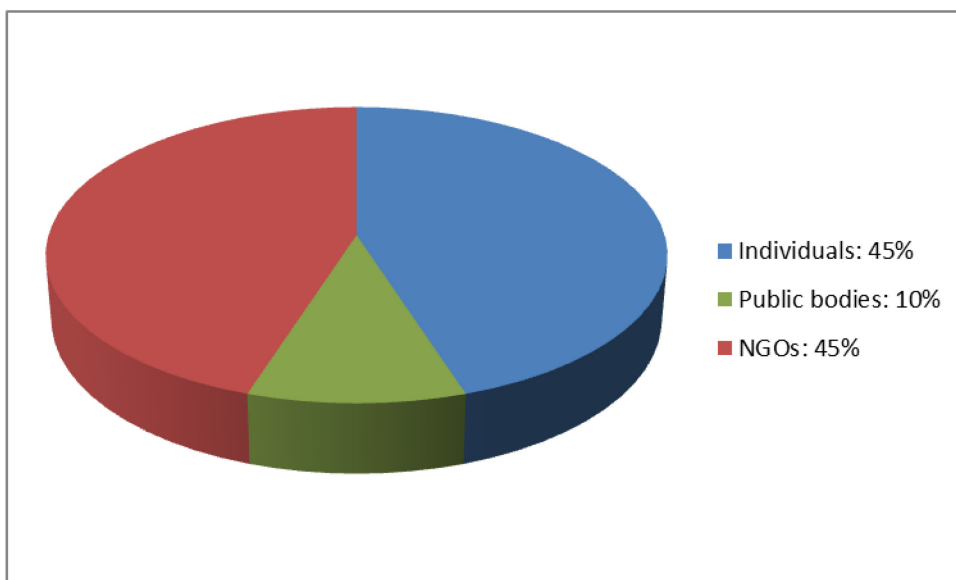
The Infrastructure Act 2015 introduced species control provisions to make sure that, in certain circumstances, appropriate action can be taken against invasive non-native species.

The new provisions grant the Secretary of State, Natural England, the Environment Agency and the Forestry Commission 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 England.

On 7 December 2015, Defra launched a consultation seeking views on the draft code of practice which sets out how these provisions should be applied in practice. This paper sets out a summary of responses, changes since the consultation and the government's next steps.

Summary of responses

We received a total 40 responses to the consultation exercise. The chart below sets out the breakdown of respondents.



Analysis of responses

The consultation asked for comments on the draft code of practice.

The majority of responses from organisations generally supported the draft code of practice but a number of specific comments were made including:

More detail on how these provisions will be applied;

- More clarity on who pays for the operations;
- Greater emphasis on dialogue between the environmental authority and the owner before agreements and orders are made;
- Remove the non-exhaustive lists of species which is confusing;
- More consistency in terminology between the legislation and the code;
- Landowners should be able to request a review or appeal against a decision on compensation.

The majority of the responses received from individuals were opposed in principle to the use of any powers that might result in the eradication of any animals. There was specific concern expressed that these provisions would be used to cull grey squirrel and other former native species.

A number of these responses from individuals requested that if control operations were considered necessary that the code should state that only humane, non-lethal methods should be employed; there was specific opposition to the use of warfarin or snare traps.

Government response and next steps

In response to the consultation, the following substantive changes to the code of practice have been made:

- Greater detail has been provided including the insertion of an overview section and case examples;
- The code has been redrafted to provide more consistency in terminology between the legislation and the code;
- More emphasis on environmental authorities continuing to pursue the informal, non-statutory approach to gaining access;
- More focus on dialogue between the environmental authority and the owner before agreements are made;
- More clarity on who pays for the operations;
- New provision to allow landowners to request a review of a decision on compensation payments;
- Removal of the non-exhaustive lists of species in scope of the provisions.

The government has considered the responses requesting that these powers should be restricted to non-lethal methods only, but does not support this position. The government's policy for wildlife management recognises that, where there are no effective alternatives, it may be necessary to use lethal methods of control.

The code has been revised to emphasise that all operations must be carried out in accordance with best practice to make sure that pain, distress or suffering to the animal is avoided or minimised. The code also now contains an obligation on environmental authorities, where they are not carrying out the operations themselves, to advise the owner or party carrying out the operations on the most appropriate method in light of these requirements.

The code of practice can be accessed on the website of the GB Non-Native Species Secretariat <http://www.nonnativespecies.org/home/index.cfm>

Annex A: list of respondents

Anglian Water

Associated British Ports

Biodiversity Working Group to the Technical Committee of the Landscape Institute

Bristol Water

Broads Authority

Care2 Inc

Connect Plus Services

Country Land and Business Association Ltd

Hampshire and Isle of Wight Wildlife Trust

Interactive Centre for Scientific Research about Squirrels

Japanese Knotweed Solutions Ltd

The Law Society

Maidstone Borough Council

Marine Management Organisation

National Farmers Union

Property Care Association

RNS Urban Squirrels

Sea Fish Industry Authority

Southway Housing Trust

University College London

Wildlife and Countryside Link

Yorkshire Water Services

Plus eighteen individuals