House of Commons
Environmental Audit


Fourth Special Report of Session 2014–15

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Environmental Audit Committee

The Environmental Audit Committee is appointed by the House of Commons to consider to what extent the policies and programmes of government departments and non-departmental public bodies contribute to environmental protection and sustainable development; to audit their performance against such targets as may be set for them by Her Majesty’s Ministers; and to report thereon to the House.

All publications of the Committee (including press notices) and further details can be found on the Committee’s web pages at www.parliament.uk/eacom

Membership at the time of the report

Joan Walley MP  (Labour, Stoke-on-Trent North) (Chair)
Peter Aldous MP  (Conservative, Waveney)
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Fourth Special Report

The Environmental Audit Committee reported to the House on 16 April 2014 (HC 913). The Government response to the Committee’s Report was received on 16 June 2014, and is appended below.

Appendix—Government response

The Government thanks the EAC for its considerations of, and its report on, invasive non-native species. We are pleased to note the Committee’s findings, which in many respects reflect the Government’s current position and intended direction of travel. However, we share the Committee’s view that there are some areas for improvement and we are taking steps in this regard.

The report is timely as the European Parliament has just voted to adopt measures to prevent and manage the introduction and spread of IAS. Over the next 18 months we will be putting in place measures, including new legislation, to implement the Regulation.

Moreover, we are currently carrying out a review of the strategic approach to non-native species in Great Britain. The findings of this report will help to inform that review, which is expected to conclude by the end of 2014.

Response to recommendations and conclusions

The Government has noted the Environmental Audit Committee’s conclusions, and is grateful for the views offered. This note responds to the conclusions and recommendations as they are included within the text of the report.

Effects on Biodiversity

Coherence between the proposed EU regulations on invasive species and on Animal and Plant Health regimes would help improve understanding of the risks and increase compliance with the regulatory frameworks. The risks posed to biosecurity in Britain, as exemplified the Ash Dieback epidemic, make it imperative that an integrated approach is taken to managing the routes of biological invasion into the EU. (Paragraph 11)

The Government must engage with the EU’s work in revising the Plant and Animal Health regulatory frameworks to ensure the result is a unified approach to biosecurity threats between these regulatory frameworks and the invasive species framework. (Paragraph 11)
The Government has been actively involved in the review and negotiation of the EU’s animal and plant health legislation, and the preparation and negotiation of its invasive alien species proposals, to ensure that the proposals are complementary.

Biosecurity risks arise from various activities, for example from importing commodities and live animals, through movement of passengers, or risks can occur naturally. Responsibility for biosecurity cuts across Government, industry, the voluntary sector and the public. Nevertheless, Defra assesses the risks from more than 1,000 pests, diseases and invasive non-native species, and Ministers regularly discuss biosecurity risks. We are currently reviewing how Defra approaches the risks and issues related to biosecurity, covering animal (including bees), plant, and aquatic animal health, and invasive non-native species, across the continuum of activities on biosecurity; pre-border, at the border and within the UK. We will take account of the negotiations and outcomes from the EU’s work in the review.

Protecting Biodiversity in the UKOT’s

*Given the vulnerability of biodiversity in the UK Overseas Territories to invasive species and its unique value, it is imperative that the Government assist the Territories to assess and address the pathways for newly arriving species. It should provide them with further support to address the most pressing gaps in their biosecurity frameworks and to draw up ‘lists of concern’ for the Territories in line with those that will be required for the EU ‘Outermost Regions’ by the proposed EU Directive.* (Paragraph 13)

The Government places a great deal of importance on the significant natural resources of the UK Overseas Territories (UKOTs), and recognises that invasive non-native species (INNS) are one of the most serious threats to the populations of endemic, and often endangered, species found in the UKOTs. Consequently, we have supported a broad spectrum of work to address INNS threats in UKOTs.

As an example since 2010 Defra has provided funding to UKOT’s specifically for non-native species projects, including through the Overseas Territories Environment and Climate Fund (Darwin Plus), which is jointly funded by Defra, DFID and FCO. Examples include: projects to build capacity for tackling INNS; eradication and management projects (for example lionfish eradication in the Caribbean; rodent eradication on Gough and Henderson islands; invasive plant eradication on South Georgia); and the provision, through FERA, of an identification and biosecurity advice service for invasive invertebrate plant pests. Further detail of the ways in which the UK Government provides assistance to the UKOTs on biosecurity and IAS issues is set out in the Government’s response to the EAC’s Inquiry on Sustainability in the UK Overseas Territories and in the recently published update on HMGs activities towards delivering the commitments made in the 2010 UK Overseas Territories Biodiversity Strategy (https://www.gov.uk/government/publications/uk-overseas-territories-biodiversity-strategy-update).

Although the UK Government has provided support to the UKOTs and will continue to do so, Overseas Territory biosecurity issues need to be considered in the context of the constitutional relationship between the UK and the Territories. Territory Governments are
constitutionally responsible for the protection and conservation of their natural environments.

**Effects on human health and economic costs**

There are potential human health effects from invasive species, not just biodiversity impacts. *Public Health England should be integrated into the work of the Non-native Species Secretariat, to help it address human health and well-being considerations.* (Paragraph 17)

Public health impacts are taken into consideration as part of the risk assessment process and when policy decisions are made for example. As appropriate, Defra has liaised with Public Health England to ensure that it is engaged, for instance within the contingency plan for the Asian Hornet, to ensure that the public is aware that the species poses no greater threat that any other bee, wasp or hornet and to offer appropriate advice. However, the Government recognises the need for greater integration of public health bodies within the GB invasive non-native species mechanisms and have taken steps to facilitate their engagement where appropriate.

**A changing environmental baseline**

Environmental changes caused by humans, including through climate change, are affecting the global distribution of species. One aspect of climate change adaptation will be a need to increasingly focus on conservation, where changes in species distributions have to be managed rather than simply resisted. That will determine over the years ahead the need for, and realism of, the measures put forward by the proposed EU directive, which we discuss below in Part 2. (Paragraph 19)

*The Government should use the opportunity of the ongoing revision of its Non-native Species Strategy to begin a public debate on the implications of changes in our biodiversity and ecosystems driven by still increasing climate change and international trade, including our approach to nature conservation.* (Paragraph 20)

Government takes an evidential approach to developing its response to climate change. Under the 2008 Climate Change Act government undertakes a five-yearly assessment of the top risks to the UK and requests key infrastructure providers and others to report on their actions to address the current and future impacts. These form the basis for the response, the quinquennial National Adaptation Programme that was first published in July 2013. This includes a chapter on the natural environment that focuses on action in four areas: building ecological resistance to the impacts of climate change, preparing for and accommodating inevitable change, valuing the wider benefits the natural environment can deliver, and improving the evidence base. These principles also underpin *Biodiversity 2020*, which is set in the context of predicted increases in mean summer temperature of 2-4°C, over the longer term.

Climate change issues are already considered are part of the non-native species risk analysis mechanism. Introduction of new species to the wild, for whatever reason, should be undertaken in accordance with International Union for Conservation of Nature guidance. It is necessary to consider the impact on native species as the introduction of
new species increase pressure on native species threatening their long term survival. Furthermore, the economic and social (including public health) impacts of any introduction must also be taken into account.

**Listing species of ‘Union concern’**

The most precautionary approach to invasive species would be to use a whitelist approach. However, given that any listing approach is likely to be imperfect, and the scale of the task at an EU level, a blacklist is likely to be the most pragmatic approach. (Paragraph 28)

The Government agrees. Whilst a white list approach can be theoretically appealing, it could also be disproportionately resource intensive as it would necessitate risk assessments to be completed for tens of thousands of animals and plants before they can be traded. In this case a black list approach supported by appropriate risk assessment is more proportionate and enables limited resources to be targeted where the need is greatest.

**Risk Assessment**

In any regulatory system there is likely to be a tension between having a system which can produce a comprehensive risk assessment, to justify the listing of a species that will be sufficiently robust to meet internationally required standards, and being able to respond promptly to emerging problems. Identifying problematic invasive species prior to their arrival is critical to effective prevention. In order for such species to be incorporated into the Government list of invasive species, there needs to be close links between horizon-scanning and risk assessment processes. (Paragraph 32)

*It is critical that the Government invests in the regulatory science underpinning risk assessment to streamline listing processes. The revised Non-native Species Strategy should set out how regular horizon-scanning exercises will be used to prioritise species for risk assessments, and to inform the EU list of species of concern. (Paragraph 33)*

The current GB risk analysis process is thorough and well regarded. Indeed, it is likely that our methodology will be one of only two that is sufficiently comprehensive to be used to list Species of Union Concern. Due to the robustness of the process the completion of a risk assessment can be slow taking 18 months to 2 years. However, as the Committee recognises, it is also often necessary to move quicker to respond promptly to emerging problems. In recognition of this in 2010 we developed and implemented a rapid risk assessment protocol for situations where an assessment of the impacts of a species is necessary to support such timely action. This takes 3–4 weeks.

Horizon scanning for species likely to arrive and cause damage is a key tool in identifying arrival pathways and informing pathway action plans, surveillance and contingency planning. Defra recently co-funded a “horizon scanning” exercise considering biodiversity impacts (but not socioeconomic or health impacts) and derived a list of species most at risk of entering GB in the near future. We intend to repeat this process to maintain our vigilance.
The European Commission has commissioned a project to review how risk assessments are carried out internationally (including the GB approach). This review will inform the risk analysis process that will generate the EU list of species of concern. The project is due to report this autumn.

**Pathways**

As acknowledged in the proposed EU regulation, there are significant knowledge gaps in relation to the pathways for the arrival and establishment of particular invasive species. Defra’s ongoing research on pathways will help fill that gap, including on the significance of ballast water as a possible pathway. The Government should follow a precautionary principle approach, however, by not waiting for either that pathways research or the IMO work on ballast water sampling and analysis before immediately moving to ratify the Ballast Water Convention. (Paragraph 37)

The GB Strategy calls for the development of pathway action plans. None have yet been developed as a consequence of the need to focus our resources on developing the underlying GB INNS mechanisms (e.g. risk assessments) so that we have solid foundations on which to build a greater understanding of this complex area. We are now in a position to move forward and some initial work is underway to understand the scale and risk posed by different pathways so that actions can be prioritised in the future. Furthermore, a thorough examination of all pathways of introduction to GB is currently being carried out by the non-native species secretariat. Completion of this research is though not related to the UK’s ratification of the Ballast Water Management Convention.

While the UK Government fully supports the principles of the Ballast Water Management Convention, there are a number of issues still outstanding, including a number of complications and uncertainties surrounding the sampling and analysis of ballast water, that require attention before ratification by the UK can take place. Without confidence in the scientific processes used to enforce the Convention there is no guarantee that the Convention will provide the biological and environmental safeguards it has been developed to offer. Ratifying the Convention prior to these issues being resolved would not provide additional protection from the threat of INNS as there would be no way to ascertain compliance or prove non-compliance to the requirements of the Convention. The UK continues to be pro-active, through the International Maritime Organisation, in working to ensure that the sampling and analysis processes that are agreed upon can sufficiently ascertain if ballast water has been treated to the required standard and, if necessary, be used to enforce the requirements of the Convention.

**Surveillance and Monitoring**

As yet there is no formal surveillance system in place in Great Britain that could effectively trigger action to ensure early eradication of invasive species before they become established. There also appears to be no systematic process in place to ensure the effective sharing of data between parties that may need to take action, such as local authorities, landowners and NGOs. (Paragraph 41)
Defra needs to develop an approach to surveillance that integrated voluntary wildlife recording with professional surveillance and identification. There should be reporting systems that facilitate communication across a range of affected parties; with Natural England, the Environment Agency, local authorities and others ensuring that there are databases of invasive species distribution at the local level. (Paragraph 42)

Such a mechanism does indeed exist. The Non-Native Species Information Portal (NNSIP),¹ funded by Defra, was established in 2007 and is central to the UK’s ability to deliver against aspects of the surveillance, monitoring, reporting, early warning and rapid response requirements of the EU Invasive Alien Species Regulation. Data is collected through routine surveys (carried out by the Environment Agency & Natural England) and through records provided by volunteers (the latter often being in part coordinated by recording Schemes and Societies).

NNSIP acts as a “hub” for information about non-native species in Great Britain to inform policy and action by enabling more comprehensive, dynamic and up-to-date reporting and the analysis of species distributions. The project draws on a huge voluntary network as well as Government agencies and private businesses. This process is supported by initiatives that help promote recording by the general public including mobile phone Apps such as the Environment Agency’s Plant Tracker.

A key part of NNSIP is the Alert system which assists contingency planning and rapid response. The system enables particularly important new arrivals to be rapidly verified, and relevant bodies to be immediately notified. The Alerts mechanism focuses on species identified as of highest interest and currently includes five species (Asian hornet, Quagga mussel, Killer shrimps, Carpet sea-squirt and Water primrose).

The Government does, however, recognise that this mechanism is not as comprehensive as we would like it to be and there are areas for improvement. The European Commission will, next year, be publishing guidance on the surveillance mechanisms it expects to see as a part of the Invasive Alien Species Regulation. Once this has been published, we intend to carry out a review of our current surveillance mechanisms to look for opportunities to improve the current mechanism and ensure alignment with the Commission’s expectations.

Eradication

For eradication campaigns to be successful and cost-effective, they need to be timely, informed by good evidence and funded for long enough to ensure complete eradication is achieved. Rapid Response Plans for early eradication should be developed by the Non-native Species Secretariat, with other agencies, for all the species on the national and EU lists of concern that are not yet established in Great Britain. The relevant bodies in England—Natural England, the Environment Agency, the Forestry Commission and the Marine Management Organisation—should agree an oversight framework on invasive species to ensure clear allocations of responsibilities. The Government should commission research on the lessons from previous eradication campaigns in the UK and internationally to inform future programmes and rapid response plans. (Paragraph 45)

¹ https://secure.fera.defra.gov.uk/nonnativespecies/factsheet/index.cfm
A Rapid Response Working Group, including the 3 GB administrations and relevant agencies, was set up in 2008. The Group drafted a protocol for establishing a clear process (including setting out roles and responsibilities) for implementing rapid responses against invasive non-native species in Great Britain. This is being reviewed as part of the broader GB Strategy review taking into account lessons learned from recent rapid responses work.

As part of the process to develop the rapid response mechanism we took into account experiences from previous eradication attempts, including in other countries. We are aware of the need to learn from our experiences continually. For example, we completed a lessons learned exercise after the rapid response into killer shrimp.

The UK is already ahead of all other EU Member States in terms of rapid response eradications. We have successfully eradicated 2 fish species (black bullhead and fathead minnow) and one amphibian (African clawed toad) and are currently attempting to eradicate water primrose, American bullfrog, monk parakeets and topmouth gudgeon. We have almost completed the eradication of ruddy duck.

The Government agrees with the recommendation that rapid response plans should be developed to facilitate early eradication attempts. We have already developed a contingency plan, the first in Europe (for a non-Plant or Animal Health species), for rapidly eradicating the Asian hornet (*Vespa velutina*) should it be detected in GB. Contingency plans for several other high risk species (quagga mussel, Indian house crow and sacred Ibis) are currently being drafted. Consideration will, in due course, be given to the development of contingency plans for species listed of Union concern on the proposed EU Regulation, once that list is known. However, given the large numbers of species that could potentially be brought to GB we are of the view that the development of such plans should be prioritised based on, for example, the likelihood of the species arriving and the risks they pose. The GB Non-native Species Secretariat is currently developing a risk management protocol to help to inform these decisions.

**Long Term Control**

There has been a lack of clarity for many years over why control action for certain species has been prioritised over others, and what outcome is sought for the species being controlled. The Government, in conjunction with the Non-native Species Secretariat, should have invasive species action plans in place for all the species on the national and EU lists of species of concern that are established in Great Britain, to ensure long-term control funds are being effectively spent. Those invasive species for which clear desired outcomes cannot be established should be removed from the national list. (Paragraph 50)

Invasive species action plans have been, or are being, developed for a small number of high priority species. Further action plans will be developed depending on the necessity of such a plan to facilitate action. Work to develop species action plans needs to be prioritised and needs to balance: the invasiveness and individual characteristics of the species; the feasibility of eradication/control, the broader environmental impact of the control measure; and the cost effectiveness of such a measure. The non-native species secretariat is currently developing a risk management protocol to formalise and increase the transparency of the decision making process. Furthermore, the European Regulation will
require Member States to have management plans for all EU IAS of concern where these are present in their territories.

Until now no explicit link has been made between measures to control or eradicate invasive species and those to restore the habitats affected. Invasive Species Action Plans should set out a clear view of the required restoration state of native habitats and species. If such clear outcome requirements cannot be determined, the use of control measures should be critically re-evaluated. (Paragraph 52)

Restoration of nationally or European important habitats and landscapes is already considered under separate regimes, such as the EC Habitats Directive. The proposed EU Regulation makes it clear that these measures should continue and, where appropriate, be considered outwith protected areas where the costs are not high and disproportionate to the benefits of restoration. We intend to work with the European Commission to provide guidance on how and where restoration should take place.

**Public involvement and awareness**

To meet the objectives of the proposed EU Regulation, a significant step up in public awareness and public acceptance of control measures will be needed. The creation of an EU list of species of concern, along with a revamped national listing system (paragraph 61) would provide an opportunity to increase public awareness and engagement in control projects. (Paragraph 55)

The GB Strategy acknowledges that raising awareness is central to tackling invasive non-native species and helping deliver the strategy. A diverse working group, involving Government and stakeholder representatives, was established in 2008 to develop a strategy to help prioritise communications activities. The resultant strategy identified key messages and key target audiences to prioritise and this has helped underpin our communications activities since then.

Furthermore, in 2009 Defra commissioned research into public attitudes and awareness of INNS. This project, which has been fundamental to developing our communications activity, found a general lack of knowledge of invasive non-native species issues but, despite this, broad levels of support for controlling INNS. The research looked at some specific sectors (angling and gardening) to understand in a little more depth people’s underlying motivations and behaviours.

Subsequently, two government led campaigns were developed and launched: Be Plant Wise and Check, Clean, Dry. These have been supported by a broad range of non-government stakeholders with, for instance, nearly 1,800 fixed Check, Clean, Dry signs put up at boating and angling sites across GB. Over 17 million UK adults were reached by the initial launch of Be Plant Wise and other activities associated with these campaigns include an educational display at Bristol Zoo; a show garden at Chelsea flower show in 2013; educational resources for school children and gardening/horticulture guides.

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2 http://www.nonnativespecies.org/downloadDocument.cfm?id=93
Legislation

Given the lack of prosecutions under Schedule 9 it seems doubtful that on its own it can provide a mechanism to “impose dissuasive, effective and proportionate sanctions for infringements” as required by the proposed EU regulation. Due to a lack of transparency and clear guidance, it appears to have done little to raise awareness of the environmental impacts of releasing non-native species. (Paragraph 60)

The Government should take the opportunity of the Law Commission Review of Wildlife Legislation (paragraph 62) and the introduction of the proposed EU regulation to revamp the Schedule 9 process, including providing a transparent listing mechanism overseen by the Non-native Species Secretariat. There should be clearly stated and agreed criteria for listing, similar to those for the UK Plant Health Register, and that list should be publicly available and continuously updated on the basis of risk assessment. (Paragraph 61)

The Government does not accept that the Schedule 9 process lacked transparency. We were, and continue to be, mindful of the need to engage with interested organisations at all stages of the policy development process. In the previous exercise to review Schedule 9 a full public consultation took place, including a series of meetings with stakeholders to discuss the proposals and explain the rationale underpinning our decision making. Furthermore, we published our criteria for selecting species for sales prohibitions.

The Government agrees with the Committee that rather than having an inflexible review period Schedule 9 should be reviewed as and when the situation requires. However, at this time our resources are currently focused on the EU IAS Regulation and Law Commission review, and we do not anticipate reviewing the schedule in the immediate future except where an urgent need becomes apparent.

Nevertheless, by focusing on the measures to tackle invasive non-native species under Section 14 of the Wildlife and Countryside Act (1981) this inquiry has also not fully taken into account the range of legislation relevant to non-native species, which extends beyond that which is related to Schedule 9. As detailed in our written evidence to the Committee, The Import of Live fish Act, Marine strategy Framework Directive, Council Regulation (EC) no708/2007 concerning the use of alien and locally absent species in aquaculture (ASR), Plant Health Regulations, and the Water Framework Directive also provide measures relevant to non-native species.

However, we accept that domestic legislation relating to non-native species warrants improvement. Defra requested that the Law Commission consider possible reforms to legislation relating to non-native species as part of its wildlife law project. It initiated a consultation on a proposed new legislative framework that ended in December 2012 and produced an interim statement in October 2013 setting out the results of the consultation exercise and its conclusions. It intends to publish a final report and draft Bill by autumn 2014.

Species Control Orders

There is a clear need for species control agreements and species control orders to ensure effectiveness of rapid response plans to eradicate invasive species before they can become established. They could help avoid wasted effort and expenditure on large-scale
control or eradication programmes, which might otherwise fail if access to all affected land could not be secured. *The Government should implement the Law Commission’s recommendations to tighten the invasive species legislation for England and Wales, which should be a priority for the Government’s legislative agenda.* (Paragraph 65)

The Government agrees with the Committee’s recommendation. We have acted quickly to address this particular issue by bringing forward legislation to introduce measures for species control orders which will be contained in the Infrastructure Bill announced in the Queens Speech. We will consider any further recommendations made by Law Commission as they relate to invasive non-native species once it submits its final report and draft Bill at the conclusion of its wildlife law project.