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Y Gweinidog Cyfoeth Naturiol a Bwyd
Minister for Natural Resources and Food



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref

Dafydd Elis-Thomas AC/AM
Chair
Environment and Sustainability Committee
National Assembly for Wales
Cardiff Bay
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19 February 2014

Report – Invasive Non Native Species

Thank you for your letter of 9 January 2014 enclosing a copy of the Environment and Sustainability Committee's Report of its inquiry on Invasive Non Native Species.

I am extremely grateful to the Committee for looking into this important issue and for gathering evidence from a range of sources.

It is widely accepted that one of the greatest threats to biodiversity across the globe is that posed by invasive non native species. Recognising the importance of this issue, and in the light of a number of international biodiversity commitments, I am fully supportive of the proposed UK approach to the proposal from the Commission, published on the 9 September 2013, for a Regulation on the prevention and management of the introduction and spread of invasive alien species. I believe that this will greatly assist delivery of target 5 of the European Union's 2020 Biodiversity Strategy in that invasive alien species and their pathways are identified and prioritised, priority species are controlled or eradicated and pathways are managed to prevent the introduction and establishment of new invasive alien species. The object of the proposed Regulation is to set out rules to prevent, minimise and mitigate the adverse impacts of the introduction and spread (both intentional and unintentional), of invasive alien species on biodiversity and ecosystem services. Welsh Government officials have been fully involved in this process.

The current draft Invasive Alien Species (IAS) Regulation would impose obligations on Member States regarding the early eradication of invasive alien species of Union concern specified in the Regulation. Whilst the draft IAS Regulation has not completed its legislative stages, and it is difficult to predict when or in what terms it may eventually be enacted, it shows the importance of controlling invasive non-native species has been accepted within the EU.

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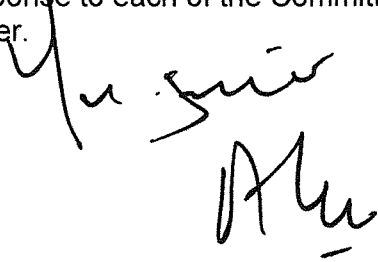
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To deliver on biodiversity priorities, Wales needs governance arrangements that make the best possible use of the expertise and capacity of statutory agencies, local and national park authorities, and the third sector, whilst providing clarity on authority and accountability. The Wales Biodiversity Partnership offers a strong foundation upon which to develop a framework which provides a clear line of sight from strategy to local delivery and fully utilises the distinctive capabilities of all organisations involved.

The Committee and many of those who gave evidence drew attention to issues around access to land and premises for the purposes of controlling the spread of INNS. At present, there is no mechanism to compel an owner or occupier of premises or land to control invasive non-native species or to take control measures without an owner or occupier's consent. This issue has been considered at length by the Law Commission's review of Wildlife Law, taking account of experience gained in Scotland. I have instructed my officials to work with other Government departments to seek to enact as a matter of urgency one of the Law Commission's key proposals relating to Species Control Orders for the control of invasive non-native species. Species Control Orders would be used as a measure of last resort and where lack of action on the part of an individual or a small number of people jeopardises a wider strategic effort.

My response to each of the Committee's Recommendations is set out in the attachment to this letter.

A handwritten signature in black ink, appearing to read 'Alun Davies', written over the printed name below.

Alun Davies AC / AM
Y Gweinidog Cyfoeth Naturiol a Bwyd
Minister for Natural Resources and Food

WELSH GOVERNMENT RESPONSE TO RECOMMENDATIONS FROM THE ENVIRONMENT AND SUSTAINABILITY COMMITTEE: INQUIRY INTO INVASIVE NON-NATIVE SPECIES

Context

To deliver on biodiversity priorities, Wales needs governance arrangements that make the best possible use of the expertise and capacity of statutory agencies, local and national park authorities, and the third sector, whilst providing clarity on authority and accountability. The Wales Biodiversity Partnership, and the strong partnership ethos it espouses, offers a strong foundation upon which to evolve a framework which provides a clear line of sight from strategy to local delivery and fully utilises the distinctive capabilities of all organisations involved. This also links in with our work on Natural Resources Management and resilience. The adoption of the European Union Biodiversity Strategy (EUBS) Common Implementation Framework offers a model which Wales can reflect on in its governance arrangements, thus ensuring that the EUBS targets are fully covered and increasing the potential for Wales to influence policy at Member State and EU level.

Regarding Invasive Non-Native Species, the EUBS target is that, by 2020, Invasive Alien Species and their pathways are identified and prioritised, priority species are controlled or eradicated, and pathways are managed to prevent the introduction and establishment of new invasive alien species.

Recommendation 1: We recommend that the Welsh Government designates Natural Resources Wales as the lead organisation for the co-ordination of data collection and action to address Invasive Non-Native Species in Wales. This should be done as soon as possible, and no later than the end of March 2014.

Response: Accept in principle

The Welsh Government agrees with the conclusion of the Committee that co-ordination of effort is needed to properly assess the extent of the risk posed by invasive non-native species and to take action to address this risk. Whilst Welsh Government considers that Natural Resources Wales is best placed to lead on the co-ordination of data collection and action with appropriate support from other organisations, this enhanced role for Natural Resources Wales is likely to incur substantial additional expenditure. This will also involve giving NRW additional powers to enable them to effectively deliver the additional functions.

The purpose of this data co-ordination role also needs further clarification as it potentially covers a wide range of activities and will be open to interpretation. For example, some of the activities might be:

- Surveillance to detect new arrivals.

- Background surveillance to detect changes in distribution and/or population size of existing INNS.
- Monitoring targeted action and its effectiveness.

The feasibility of building INNS data co-ordination into existing surveillance techniques and environmental monitoring programmes varies greatly. Some species – and particularly new INNS – can require specialised or species sensitive survey approaches or techniques to suit the ecological behaviour of the INNS in question to be able to monitor them.

The Welsh Government agrees that better co-ordination, both at the Wales and UK levels, is needed to tackle the problems caused by invasive non-native species. NRW is the statutory body responsible for the management of the environment and the natural resources of Wales. Their invasive non-native species work related to marine, freshwater and terrestrial ecology is underpinned by associated legal and policy drivers at an international, European and domestic level. In the short-term, NRW working along with the Joint Nature Conservation Committee (JNCC) can utilise existing mechanisms to take forward certain actions on invasive non-native species.

Recommendation 2: We recommend that the Welsh Government sets out how it will monitor Natural Resources Wales' performance in tackling Invasive Non-Native Species in Wales. This should be done at the same time as the designation of Natural Resources Wales as the lead organisation.

Response: Accept in principle

Welsh Ministers establish the policy direction and the Welsh Government Natural Resources Forum provides the co-ordination across Welsh Government of subsequent priorities and negotiating positions. The Wales Biodiversity Strategy Board derives its mandate from Welsh Ministers' priorities and their statutory obligations, and transfers these into a strategy and maintains oversight of the implementation of the resulting programme. It decides on the work programmes of the Wales Biodiversity Partnership and its Working Groups, including the Invasive Non-Native Species Working Group. The Welsh Government will set out how it will monitor and tackle biodiversity issues in Wales, including INNS.

Welsh Government will work with Natural Resources Wales, JNCC, GB Non Native Species Programme Board and other partners and stakeholders to integrate monitoring of INNS into the wider Biodiversity Action Plan and will consider the relevant cost implications for new roles or activities.

Recommendation 3. We recommend that the Welsh Government sets out how Wales is being represented as part of the GB Strategy Review, and how Welsh stakeholders are being engaged, by the end of February 2014.

Response: Accept

To address the increasing threat from invasive alien species, Welsh, English and Scottish Ministers agreed in 2008 to the creation of the Invasive Non-Native Species Framework Strategy for Great Britain. The GB Strategy operates on the basis of three principles: prevention, eradication and control. The Strategy is currently being reviewed in consultation with stakeholders to examine the continuing relevance of its objectives, actions and mechanisms and whether any modifications or additions are merited. There are already close working arrangements in place between Welsh Government, NRW and the GB INNS groups.

In advance of the formal start of the review, the GB Non-Native Species Annual Stakeholder Forum held in Cardiff in June 2013 had the review of the GB Strategy as its central theme. Wales was well represented at the Forum. Welsh Government supported a proposal from the GB INNS group that Invasive Non-Native Species reports should be commissioned from two international experts on invasive non-native species - Dr Piero Genovesi, Chair of the IUCN Species Survival Commission's Invasive Species Specialist Group; and Dr Phil Hulme of Lincoln University, New Zealand. IUCN SSC is a science-based network of more than 8,500 experts from almost every country in the world. Wales has engaged with the Defra-hosted workshops with GB stakeholders based on the key themes of the GB Strategy – prevention, early detection, surveillance, monitoring and rapid response; and, mitigation, control and eradication. The aims of the workshops were to review progress against each theme; consider what changes could be made to improve the delivery of the Strategy's objectives; and, consider the relevance of the Strategy's current objectives to help inform future priorities.

Welsh Government and other GB administrations are considering the evidence presented during the review. The GB Non-Native Species Programme Board will consider the review's findings and provisional recommendations. The GB INNS group Annual Stakeholder Forum in May 2014 will provide an opportunity to discuss and secure support for these recommendations before seeking agreement from Welsh, English and Scottish Ministers.

Recommendation 4. We recommend that the Welsh Government reports to the Assembly on the implications for Wales once the GB Strategy Review is completed. We understand this should be towards the end of 2014.

Response: Accept

Recommendation 5. We recommend that the Welsh Government writes to the Environment and Sustainability Committee on an annual basis to set out progress in combating Invasive Non-Native Species in Wales, starting in March 2014.

Response: Accept

Recommendation 6. In the context of the current Environment Bill White Paper consultation, we recommend that the Welsh Government considers the merits of managing Invasive Non-Native Species on a river catchment basis when defining the areas for an area-based natural resource management approach.

Proposed response: Accept

The White Paper consultation includes a proposal that area based approaches will be part of a National Resource Policy. Although, the basis for defining an area has not yet been agreed, this is an approach which should help identify various ecosystem challenges, including those relating to INNS, and to develop appropriate management strategies. Planning for the management of INNS on a river catchment basis is an effective means of addressing water-related species which are carried or spread through the river systems. A variety of other place-based considerations would, however, need to be taken into account as the definition of an area is refined. Considerations of the merits of a catchment approach for INNS will therefore be needed to be made alongside similar definitions of an area approach for managing INNS within terrestrial and marine environments.

Recommendation 7. We recommend that the Welsh Government sets out how it is considering the issue of access to land for the purpose of tackling Invasive Non-Native Species, particularly in the context of the forthcoming Environment Bill and the Minister for Culture and Sport's review of access legislation.

Proposed response: Accept

Whilst accepting and agreeing the Recommendation, careful consideration of the challenges related to a statutory basis for access to land to tackle INNS would be required. We will consider any recommendations on legislative requirements emanating from the Law Commission's review of wildlife legislation, including the introduction of species control procedures, and the approach that Scotland have taken through their Wildlife and Natural Environment (Scotland) Bill. However, it is not proposed that this is taken forward in the Environment Bill or the Review of Access Legislation. We will set out how we will consider the issue of access to land for the purpose of tackling INNS.

Recommendation 8. We recommend that the Welsh Government provides a response to the European Commission's proposals for Invasive Non-Native Species and their implications for Wales. In doing so, we ask that this response includes details of discussions the Welsh Government has had with the UK Government in relation to these proposals.

Proposed response: Accept

Prior to the publication of the EU proposals, virtual policy, technical and stakeholder groups were established and since publication, extensive consultation with those

groups has taken place to inform the UK's response to the proposals. Welsh Government has fed into the policy group co-ordinated by Defra. This Group includes officials from Defra dealing with animal and plant health, aquaculture and fisheries, marine strategy, plus economists and lawyers, Marine Management Organisation, the Gibraltar, Northern Irish and Scottish Governments, Cabinet Office, the Department for Business, Innovation and Science, the Home Office, UK Border force and the Foreign and Commonwealth Office.

The legislation is being designed to ensure that invasive alien species are addressed in an effective and cost effective way, while avoiding any loopholes in the implementation process as well as any unnecessary administrative burdens.