

PE1586/A

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13th January 2016

Dear Ms Robinson,

RESPONSE TO PETITION [PE1586](#):

Calling on the Scottish Parliament to urge the Scottish Government to amend the Wildlife and Natural Environment (Scotland) Act 2011 to include statutory powers enforced by penalties to force land owners/tenants to destroy invasive non-native species that grow on their lands.

We thank the Public Petitions Committee for the chance to express our views in relation to Petition PE1586.

RSPB Scotland agrees with the Petitioner that invasive non-native species (INNS) represent a key environmental and economic issue. Moreover we recognise it as one that is intensifying at global, European and national scales. It therefore needs to be addressed effectively as a matter of urgency – not least, in order to secure delivery against our international commitments regarding biodiversity targets. We accept the evidence and agree with multiple authoritative sources that identify INNS as one of the primary drivers of biodiversity loss globally.

Regarding the Petitioner's specific points on invasive river (riparian) plants, we believe that Scotland currently has many important river catchments that are not yet invaded by INNS plants, or where invasion is at a relatively early stage, particularly in the uplands. The Spey catchment is important in this regard.

A key strategic point regarding INNS is that action must be taken at the earliest invasion stage possible – preferably preventing establishment. This makes sense both ecologically (damage is minimized) and economically (expense is avoided and/or remedial action is cheaper).

Our river catchments thus represent a significant national asset deserving protection and enhancement, but which is under threat from INNS plants that are, as the

petitioner points out, currently spreading. We agree that early action to protect and restore these catchments should be a priority.

However, on the specific and central point of the petition regarding legislative change, our view is that current law – in particular the Wildlife and Countryside Act 1981, as amended by the Wildlife and Natural Environment Act 2011 – already gives the Petitioner's requested powers to Scottish ministers, in the form of Species Control Orders and other provisions. In fact, Scotland had these powers in place well before the Infrastructure Act conferred similar SCO powers in England and Wales. Indeed the Scottish precedent may served to encourage legislative progress there.

Regarding penalties, as referred-to in the petition: both the Wildlife and Natural Environment Act and the Infrastructure Act amend, rather than replace, the Wildlife and Countryside Act (WCA). Thus, penalties will be determined in relation to this latter Act. Whereas WCA penalties may have diverged in Scotland and England post-devolution, we do not see potential for differences large enough to generate significant variation in levels of deterrence. Moreover we expect that a strict legal requirement on land owners to control all INNS wherever they occur, as the Petitioner proposes, may be unenforceable in practice given the extensive establishment of non-native species across Scotland. We suggest that a more targeted and prioritized approach will help maximise effectiveness.

Scottish INNS legislation is seen as relatively advanced in European terms, as was evident during discussions leading to the adoption of the EU Regulation on Invasive Alien Species in 2015. In terms of policy and practice in association with this domestic legislation, Scottish Government officials chair the Scottish Non-native Species Action Group (NNSAG), which has proven to be a very useful, productive and active forum; SG officials are also fully engaged with the GB Non-native Species secretariat and its initiatives. The construction of prioritised Scottish species lists for prevention and control action is well underway, coordinated by the NNSAG.

However, despite this excellent progress – which we welcome and commend – INNS issues continue to intensify and damage native biodiversity in Scotland.

We conclude that the general premise behind the Petition – that INNS represent a serious issue for Scotland, one that must be better addressed in future – is correct, timely and commendable; but that the mechanism the Petitioner proposes for achieving this may not be the best option at this stage.

We therefore urge the Committee to consider, rather than potential for new INNS legislation and penalties, the real and present issue of how, and to what extent, existing provisions for tackling INNS are being implemented and utilised, and how our collective operational performance in this regard might be improved.

The Committee might consider:

1. The implementation of existing INNS provisions, for example utilisation of Species Control Agreements and Species Control Orders in relation key invasive species threats. Whilst we are aware that, recently, Species Control Agreements have been drawn-up in a small number of cases involving local

INNS issues, to our knowledge no Species Control Orders have ever been issued to date. In particular, we think the following should be considered in this regard: *Rhododendron* in and around priority native woodlands - as a single *Rhododendron* plant can represent a significant threat to woodlands, SCAs and SCOs may be a key tool in controlling future impacts or reinvasion in certain circumstances – for example following large scale control initiatives; riparian plants (as highlighted by the Petitioner); un-invaded freshwater catchments.

2. Islands: island wildlife is particularly vulnerable to INNS. The presence of non-native mice and rats on islands is an important limiting factor for threatened seabirds and other ground nesting species. We would improve the conservation status of - and may be able to mitigate future climate change impacts on - these bird populations by maximising the availability of suitable breeding sites through island restoration. An effective and strategic programme of removing non-native rodents from Scottish islands would be enormously beneficial in that regard. The recent establishment of hedgehogs in the Western Isles and, more recently, stoats in Orkney, are serious and demonstrable threats to priority species, particularly ground nesting birds. The capacity to prevent future similar introductions through biosecurity, and to initiate early warning and rapid response reactions to newly arrived species on islands, could be assessed and reviewed, with recommendations for improvements.
3. Other measures: Could Scotland adopt or promote new measures to help tackle INNS issues? For example the International Maritime Organisation's Ballast Water Convention represents an opportunity to tackle the key pathway whereby marine INNS are transferred around the world (small marine organisms and larvae being taken in at ports in ballast water, and then released at new sites when this water is off-loaded in order to take on cargo). The UK has not ratified this convention – a Scottish voice in support of doing so might help deliver progress.

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