

DRAFT

PROGRAMME BOARD ON NON-NATIVE SPECIES

THIRTY-THIRD MEETING MINUTES

SCOTTISH GOVERNMENT, VICTORIA QUAY, EDINBURGH

19 JUNE 2019, 10:00

1. Attendance / Apologies

Present:

Richard Pullen (Defra, Chair)
Niall Moore (Non-native Species Secretariat, Secretary)
Adrian Jowitt (Natural England)
Hugh Dignon (Scottish Government)
Mark Diamond (Environment Agency)
Martin Williams (Welsh Government)
Matthew Bird (Scottish Government)
Olaf Booy (Non-native Species Secretariat)
Sarah Webster (Defra)
Stan Whitaker (Scottish Natural Heritage)
Theresa Kudelska (Natural Resources Wales)

Apologies:

Bill Badger (Defra, fisheries)
Des Thompson (Scottish Natural Heritage)
James Lovesey (Defra, Marine)
Kath Webster (Animal and Plant Health Agency)
Ken Bradley (Department of Agriculture, Environment and Rural Affairs)
Leanne Stockdale (Marine Management Organisation)
Michael Sigsworth (Defra)
Nicola Spence (Defra, Plant Health)
Paul Rose (Joint Nature Conservation Committee)
Stewart Snape (Forestry Commission)

2. Minutes of 32nd Meeting on 30 January 2019

Paper circulated PB Jun19-02

The minutes of the previous meeting were agreed.

3. Actions / matters arising

Paper circulated PB Jun19-03

All actions were signed off as complete or in progress, with the following comments.

On Action 2 (all to feed back on the possible roles and responsibilities of an inspectorate paper) the Board expressed mixed views on whether there is a need for a separate inspectorate or whether the responsibilities of existing inspectorates could be extended. A paper is needed that sets out what functions need to be filled (i.e. gap analysis) and considers options for filling that function as well as its geographic coverage. This would help inform the development of a SR19 bid so it would be useful to have before the next Board meeting.

ACTION 1. NNSS to draft a paper on the inspectorate function that needs to be filled and potential options / recommendations for filling it (**by end August**). In the meantime, the **NNSS** should circulate the current table of inspectorate responsibilities it has developed so far.

4. Resourcing update

Niall led on this item. The spending review, which will set out detailed departmental allocations for 2020-21 and possibly beyond had been delayed, due to EU Exit, but work on departmental bids was now beginning. Following the last Programme Board meeting, Defra clarified that each administration (and, at least in England, each organisation) would need to bid for its own resources on INNS, rather than there being a coordinated GB or UK wide bid.

Sarah highlighted the need for each administration / agency to raise the profile of invasive non-native species to ensure they are included in bids. **Niall** raised a concern that with separate bids submitted by different agencies the result could be piecemeal and lack coordination. To improve coordination of bids the Board suggested that all administrations / agency should share their developing bids with the NNSS.

It was noted that:

- Defra will not be bidding on behalf of Welsh Government, Martin Williams to check the position on this.
- Some of the work is reserved (for example at the UK Border and UK offshore marine area), while most is devolved. Defra would need to include in their bid the items that are reserved.
- The EA has developed a revenue bid which includes INNS (capital bids are designed to create assets or adds value to existing – including evidence and knowledge). As part of this the EA have noted the remarkably large cost-benefit of managing INNS (e.g. 40-1 for controlling floating pennywort).
- The EA has also been developing a bid to put drying facilities (etc.) into the Defra estate to improve biosecurity.

ACTION 2. ALL to share information on the bids being developed with the NNSS.

5. EU Exit

UK replacement structures (paper circulated PB Jun19-05)

This paper was developed by Lyndon and Niall, setting out the expanded role of the Board in the case of a no-deal EU Exit (although it may also apply in certain circumstances even if there is a deal).

In response to the questions set out in the paper:

(a) The Board agreed that Northern Ireland should be added as full members when UK issues are being considered (so that the Board can fulfil a similar role at UK level to that currently provided by the EU IAS Committee).

(b) The Board agreed with plans to fulfil the role of the EU IAS Committee; however, there was considerable discussion around how this would work in practice. In particular, the Board considered how agreement would be reached both by the Board and Ministers to list new species, or de-list existing species. It was agreed that any recommendation to list or de-list by the Board would require unanimous agreement by all four administrations represented on the Board (i.e. Defra, Scottish Government, Welsh Government, DAERA). Members of the Board that represent agencies, arms-length-bodies, etc. will have an advisory role in relation to listing. Once the Board's recommendation has been made, all 4 Ministers (or equivalent in Northern Ireland) would have to agree in order for a species to be listed (or de-listed). It was noted that differences between the administrations (for example, the biogeographic differences between Northern Ireland and the rest of the UK) may make it difficult to achieve unanimity in some cases.

Niall explained that the EU's Scientific Forum focusses largely on reviewing species risk assessments. In the case of no deal this function would be provided by the Non-native Species Risk Analysis Panel (NNRAP) in the UK (on which the EU's Scientific Forum is modelled). However, the UK has stressed for many years that the EU's Scientific Forum should also be reviewing evidence relating to risk management, such as the impact on trade of banning sale and the effectiveness of management. Such considerations are part of risk analysis and could be provided in the UK by the NNRAP. The Board agreed that such information is required when the Board is considering recommendations for listing / de-listing. The Board asked the NNSS / NNRAP to consider how it could gather and present robust risk management information to support its decision making.

(c) The Board noted that it was already quite large and was minded not to add additional members unless necessary. They agreed that SEPA should be invited to join the Board. With regards Cefas, the Board agreed that either Defra Marine or Cefas could be on the Board, but not both. Sarah agreed to consult with Defra marine policy colleagues to ascertain which of the two would be represented.

ACTION 3 – NNSS to invite SEPA to become full members of the Programme Board and to invite DAERA to become full members in the event of a no-deal EU Exit.

ACTION 4 – Sarah to consult with Defra marine policy colleagues to ascertain which one of the two (Defra marine or Cefas) will be represented on the Programme Board.

ACTION 5 – NNSS / NNRAP to consider methods for gathering and presenting robust risk management information to support decision-making for species listing / de-listing.

Future agri-environment policies

In England work is progressing to consider including proposals for the management of widespread INNS under the proposed Environmental Land Management Scheme (ELMS). This is unlikely to come on stream until 2024, although a national pilot may take place in 2021. In Scotland, there will be no major changes to the SRDP elements until 2023. However, there is a dialogue going on about the future of agriculture and what approach will be taken in the future, with a focus on public money for public goods. In Wales, there is a consultation underway at the moment (Brexit in our land); however, it is not yet clear how much INNS will be included (WG colleagues are flagging INNS as part of this).

6. EU Regulation

Reporting (paper circulated PB Jun19-06A)

Olaf led on this item, explaining that the report required under the EU IAS Regulation was submitted on time before the 1 June 2019 deadline. The report is publically available and has now been placed on the NNSS website.

Pathway analysis and action planning (paper circulated PB Jun19-06B)

Olaf led on this item. Pathway analysis is required both by the GB Strategy and the EU IAS regulation and was completed by the NNSS early this year. It has been published on the NNSS website and used to report to the Commission as part of the reporting requirements.

Following testing the final approach used for pathway analysis was to rank pathways based on the impact of species that have established in GB since 1950. This ensured the analysis focussed on impacts (rather than simply numbers of species) and on pathways that have been recently active. In this way, six pathways were identified as initial priorities on which to focus action plans. The EU IAS regulation requires that PAPs are in place for all priority pathways by end July 2019. One PAP (for zoos) has been completed, while

two (recreational boating and angling) are in progress are due to be completed by the end of the year. **Olaf** highlighted that, despite progress, the UK would not have PAPs in place for all priority pathways by the end of July and asked the Board to consider how it wished the NNSS to take forward this work area.

The Board noted the pathways analysis and agreed that the six pathways identified should be the priorities for PAPs. The Board noted progress that had been made so far on the development of PAPs. They agreed that the NNSS should focus on completing the existing PAPs and then consider how to address the remaining pathways (horticultural escapes, horticultural contaminants and ballast water). The Board stressed that, the horticultural escapes PAP should go further than just *Be Plant Wise* and deal with aspects such as industry awareness and compliance with banned species. Lack of progress on the implementation of the ballast water regulation was noted and the Board asked Defra to find out where we are with this. The Board discussed merging the horticultural escape and contaminants pathways; however, it agreed that this would be too complex and the stakeholders are different, so it would be best to take these forward separately, while acknowledging the links between them.

ACTION 6 – NNSS to complete the existing PAPs and consult the Board if there are particular issues / sticking points that they can help with. **NNSS** to update the Board with a plan for PAP work at the Board's next meeting.

Domestic implementation

Sarah led on this item for England and Wales, providing an oral update on the laying of the new Order – noting it includes both criminal and civil sanctions. The next stage of this is to consult on management measures for 14 widely spread species. This should commence next month and run for 6 or 8 weeks. Defra was asked to ensure Scotland's position in relation to crayfish was considered when taking forward management measures work, in particular noting the differences between the administrations (i.e. all live crayfish keeping / transport is illegal in Scotland).

Hugh led on this item for Scotland. The intention is to introduce a Statutory Instrument following a similar timescale to that of England and Wales. This will take the form of two SIs (one negative one affirmative), a third may follow to resolve operability issues. Plans are also being made for a consultation on management measures. The approach is slightly different to that in England and Wales in that it amends the Wildlife and Countryside Act, rather than being a stand-alone piece of legislation. Scotland will also not have the civil sanctions that England and Wales will have.

Northern Ireland are thought to also be planning to lay a similar SI following a similar timescale.

ACTION 7 – Sarah to ensure Scotland’s position in relation to crayfish is considered when taking forward management measures work, in particular the importance of English stakeholders being aware of cross border differences in position.

Listing update

Niall and **Sarah** attended a recent EU IAS committee meeting on behalf of the UK. The purpose of the meeting was to vote on the next update to the list of species of Union concern. The UK was successful in negotiating the removal of Water Lettuce from the list and, once removed, supported the listing of the remaining 17 species. There will therefore be a total of 66 species of Union Concern once this update to the Union list comes into force. While the UK was successful in this negotiation, the Commission noted its intention to continue to attempt to add Water Lettuce to the list.

Hugh asked whether it was the intention of the Board to continue to list species in line with the EU post EU Exit. **Sarah** responded that, while the list would be the same as the EU list on day 1 after EU Exit, it was not possible to predict what would happen beyond that.

7. GB Strategy

Exception reporting (paper circulated PB Jun19-07)

The Board reviewed these exceptions:

3.3 – Developing PAPs.

This was covered in previous discussion.

3.7 – Producing Contingency Plans.

The Board was asked whether the NNSS should publish on its website the contingency plans that have been agreed in principle for many years (note plans for marine species in Scotland and Wales and terrestrial invertebrates in England and Wales have not yet been agreed). These plans have already been seen by external stakeholders (in England at least).

The Board agreed with this; however, they were concerned that the plans were only agreed ‘in principle’ and include a statement at the top of the plan to this effect. The Board felt it should be possible for agencies at least to deliver the initial investigation within existing budgets. In general the agencies represented at the meeting agreed this was possible. The Environment Agency’s commitment to the contingency plans would be subject to resourcing (including the initial investigation) and subject to resource

pressures from other incidents (eg flooding, drought and pollution). Natural England noted they had no budget even for the initial investigation (which can run into £ks), but **Adrian** agreed to discuss and attempt to resolve this with NE directors. **Richard** offered to provide **Adrian** with support as needed.

ACTION 8 – Agencies to resource at least the initial investigation of a contingency response where they are identified as the body responsible for delivery in the contingency plans. **Adrian** to raise this issues with NE directors in relation to the terrestrial vertebrate contingency plan in England.

ACTION 9 – NNSS to work with **Adrian** to revise the statement at the top of contingency plans.

ACTION 10 – NNSS to publish agreed contingency plans online once text related to the resourcing issue has been addressed.

4.8 – Make rapid eradication of key invasive species a key priority for the Programme Board

Topmouth Gudgeon eradication in Wales has been delayed (covered under rapid responses below).

The *Myriophyllum heterophyllum* eradication by the Environment Agency will be complete by the end of the calendar year.

9.3 – Annual forum of Member States with shared objectives

The Board noted that some work is ongoing in this area (for example bringing together member states to work on pathway management). They did not consider it necessary to pursue this action to any greater extent.

Country working group feedback

The Scotland Non-native Species Action Group met on 30 May 2019, topics covered broadly included:

- EU reporting
- Management measures
- Priority lists and action (prevention – similar to horizon scanning; and management – short list of species that can be managed cost effectively).

The Wales Biodiversity Partnership INNS Group met on 8 March 2019, topics covered broadly included:

- Information sharing
- Prioritisation
- Recent development of the new WaREN project.

The England INNS Working Group met on 13 May 2019, topics covered broadly included:

- Pathway analysis
- Management measures
- EU reporting
- EU exit
- Environmental Land Management Scheme
- (Gene drive technologies were also mentioned as an AOB)

8. Rapid Responses

Updates from Agencies

NRW : Topmouth Gudgeon – there has been a delay in assessing the feasibility of eradication; however, resources for this have now been found. *NRW* will recruit a member of staff to assess feasibility of eradication and containment this year, with someone ideally in post by September.

EA: The EA has eradicated Topmouth Gudgeon from 26 of 29 sites in England and expect to have eradicated all sites by 2021.

Water Primrose is present in 37 sites, 14 of which have been eradicated (remaining surface area is approx. 178m²). Potentially still spreading from gardens.

1600 tonnes of Floating Pennywort have been removed (£1M) from London and the plant is believed to be under control. Kayakers are being used to hand pick remaining fragments.

NE: American bullfrog is confirmed eradicated.

Coati – A pair of coati were detected in County Durham in December 2018. The terrestrial vertebrate contingency plan was initiated, following which APHA trapped both individuals. This response highlighted a legal problem, which is that the escaped coati were the property of a nearby landowner and they were obliged to return the animals (and prevented from taking action such as neutering them).

Raccoon Dogs – A pair of raccoon dogs escaped in Nottinghamshire in May 2019. The contingency plan was initiated; however, the owner recovered the animals before it was necessary to take further action. The police visited the owner and are considering whether a prosecution may be taken. During this outbreak legal advice was sought (while the animals were at large) as to whether it would be legal to shoot them. However, this suggested it would not be legal to shoot them as they were property and could only be shot if they posed an immediate threat to people or property. Defra is continuing to

pursue the legal advice on this to determine whether shooting can be used in similar circumstances in the future.

Marbled Newt – Following a survey, these are thought to be confined to two ponds. Lord Gardiner has instructed officials to remove the populations.

SNH: Purple pitcher-plant – will be eradicated from the one site in Scotland this year.

Work is ongoing to control a number of other species, in particular *SNH* is considering the issue of licensing hacking with non-native falcons. In addition, an incident has recently been raised where a Lanner falcon has been found to be hybridising with native peregrines (for past three years).

APHA: Monk Parakeet – *APHA* are continuing to remove eggs and some adults using the newly developed nest trap at the population on the Isle of Dogs. With continued egg removal, it is expected that the population will be eradicated soon. The landowner was originally reluctant to allow this work to take place; however, once it was explained that a control order could be used to gain access the landowner allowed access (without the use of the orders).

In addition, work continues to eradicate the ruddy duck, which has been reduced to c. 20 individuals (from c. 6,000).

ACTION 11 – Defra (Finn Eaton) to chase the request for legal advice to clarify the position of shooting escaped animals such as Raccoon Dogs.

9. Secretariat Report (*paper circulated PB Jun19-09*)

The Board noted the Secretariat Report, progress made and plans for future work. As part of the Secretariat's biosecurity work, Mark Diamond highlighted a positive experience at Yorkshire Water which was delivering tight biosecurity at one of their key angling events.

10.AOB

Sarah highlighted the issue of gene drive technology, which was mentioned at the England Working Group. The Board noted this technology was a long way off in relation to its use for controlling invasive non-native species (it has not been used for this purpose anywhere in the world) and any consideration of its use would be considered by *ACRE*.

Olaf noted that work is underway to develop an *INNS* indicator in England relating the 25 year environment plan, but was also aware of indicators work in Scotland and Wales. It may be useful to share experience / information about the different approaches and potentially seek to coordinate some of the work on these.

ACTION 12 – Olaf to share contact information on indicator work in England with **Stan** and **Theresa**.

11. Date of next meeting

The Board agreed to meet in late January 2020 in York.