



Department  
for Environment  
Food & Rural Affairs

# **POLICY AND LEGISLATION UPDATE**

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- Community Protection Notices;
- Community Trigger;
- Species Control Orders;
- Schedule 9 Review;
- Updated GB Strategy.



# Community Protection Notices

- Introduced by the Anti-social Behaviour, Crime and Policing Act 2014;
- Powers available to local authorities and Police to address anti-social behaviour;
- CPNs are “intended to deal with particular, ongoing problems or nuisances which negatively affect the community’s quality of life by targeting those responsible” [Home Office Guidance];
- Replaced ASBOs;
- Designed to be more flexible (requested by LAs).

# Community Protection Notices

- A CPN can be issued if the conduct of the individual, business or organisation:
  - is having a detrimental effect on the quality of life of those in the locality;
  - is persistent or continuing in nature; and
  - is unreasonable.
- Unreasonable behaviour can include inaction;
- Failure to comply with a CPN is an offence;
- If a CPN is not complied with, LA may take remedial action and charge cost back.

# Community Protection Notices

- Can be used for INNS;
- Home Office issued Japanese Knotweed Information Note;
- Medway Council served CPN for Giant hogweed.



# Community Trigger

- Community Trigger gives victims the right to demand action;
- If threshold is met, full review of case triggered;
- All relevant authorities brought together and decide whether further action should be taken;
- Recommendations likely to form action plan.



# Species Control Orders

- Introduced by Infrastructure Act 2015 and form part of the Wildlife and Countryside Act;
- In England, powers available to Defra, Natural England, Environment Agency and Forestry Commission;
- In Wales, powers available to Welsh Government and Natural Resources Wales;
- Scotland has had similar powers since 2011



Infrastructure Act  
2015

# Species Control Orders

- Requires an owner to carry out control operations against INNS, or allow us to do so, where they have refused to act or allow access;
- Focus remains on negotiating voluntary agreement;
- Where this is not possible or an agreement is breached, SCO can be issued;
- Emergency SCO can be issued in exceptional circumstances.





# Species Control Orders



- Failure to comply with an SCO is a criminal offence;
- Breach of SCO allows Govt to enter the land and carry out operations;
- Right of appeal to the First Tier Tribunal;
- Govt to meet the cost of all operations (unless the owner released the species).

# Species Control Orders - Scope

- Any animal whose natural range does not include Great Britain;
- Plants listed on Part 2 of Schedule 9;
- Former native species listed on Part 1B of Schedule 9 e.g. beaver; wild boar;
- Species must also be, or capable of being, invasive.



# Species Control Orders - Application

- Newly arrived INNS;
  - INNS that currently have a relatively restricted distribution but potential to spread;
  - INNS subject to national eradication programme;
  - INNS listed under EU IAS Regulation;
  - Former native species if unlicensed and causing adverse impacts;
  - Widespread INNS (a few exceptions);
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- Code of Practice currently out to consultation.

# CPNs v SCOs

## CPNs

- Available to LAs/Police;
- To address local issues;
- To be used as appropriate;
- Can address widespread species.

## SCOs

- Available to Govt;
- To address national issues;
- To be used exceptionally;
- Not routinely used for widespread species.



# Schedule 9 Review

- June- August 2015: JNCC consulted on revisions to Part 1 and 2 of Schedule 9 – not Part 1A or 1B;
- JNCC overseeing an independent and external peer review of the evidence;
- JNCC will submit post-consultation report to Defra;
- Further Defra-led consultation on proposed changes.

# GB Non-native Species Strategy



- Updated GB Strategy published in August 2015;
- Implementation plan published.

# GB Strategy - Key Changes

- More strategic role for Programme Board;
- Set up England Working Group;
- Better integration with wider biosecurity initiatives;
- Increase speed of risk assessment process;
- Further develop risk analysis;
- Develop dedicated surveillance for priority species and pathways;
- Greater focus on rapid response eradication;
- Strategic plan to co-ordinate research.