



Department
for Environment
Food & Rural Affairs

Species Control Provisions

Code of Practice for England

July 2017



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Schedule 9A to the Wildlife and Countryside Act 1981**



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1. Introduction

1. This code of practice sets out how the provisions for species control agreements and orders contained in the Wildlife and Countryside Act 1981¹ should be applied by Natural England, the Environment Agency and the Forestry Commission. This code relates to England only. The Welsh Government has published a separate code of practice for Wales.
2. An increasing number of species are being transported, either deliberately or unintentionally, outside their natural range through human activity. Whilst many of these non-native species may have positive benefits, for example to the agriculture, forestry, horticulture, fisheries and pet sectors, a small percentage of these species, known as invasive non-native species, can have negative impacts.
3. Invasive non-native species are one of the biggest threats to our environment. They cost the economy about £2 billion per annum and some even threaten our health. The Government takes this issue very seriously and recognises that preventing invasive non-native species becoming established is better than trying to control them after they become established, when it is often very expensive or is no longer a viable option.
4. To do this, Natural England, the Environment Agency and the Forestry Commission need to be able to act rapidly when a new threat is discovered. Gaining access to property to control a newly arrived invasive non-native species that is causing, or is likely to cause, harm can be vital. Normally this is achieved voluntarily as most landowners are content to allow access to their land. However, it is necessary to ensure that this can be achieved at all times, even if it is not known who owns the property in question. These new powers ensure that environmental authorities can gain access to the land and remove an invasive non-native species before it becomes more widely established.
5. Illegal releases² of formerly resident native species³ could also, under certain circumstances, have significant negative impacts on environmental, social or economic interests because of changed circumstances since they were last present in Great Britain. In addition, such releases could have an adverse impact on the welfare of the individual animals if they are released into an environment which is not suitable for their needs. The Government may need to act to address unlicensed releases in these

¹ The measures were introduced by section 23 of the Infrastructure Act 2015.

² Species reintroduced without a licence, contrary to Section 14 of the Wildlife and Countryside Act 1981.

³ Schedule 9A of the Wildlife and Countryside Act 1981 defines this category of species as an “animal that is no longer normally present in Great Britain”. For the purposes of this code, this category of animal is referred to as a “formerly resident native species”

circumstances. This will normally be possible by agreement but there may be rare cases where access to land through control powers will be necessary as a last resort.

2. Overview of species control provisions

6. Section 23 of the Infrastructure Act 2015 amended the Wildlife and Countryside Act 1981 by inserting a new Schedule 9A to introduce a statutory regime of species control agreements and orders. This schedule ensures that, in appropriate circumstances, landowners take action on invasive non-native species and formerly resident native species, or permit others to enter the land and carry out those operations, to prevent their establishment and spread.
7. The environmental authorities with the powers to make species control agreements or orders in England are the Secretary of State, Natural England, the Environment Agency and the Forestry Commissioners.

2.1 Determining co-ordinating responsibility

8. The environmental authorities should refer to the GB Non-native Species Secretariat's existing decision tree to determine who should co-ordinate any actions that may be required under these provisions. The co-ordinating body is responsible for offering an agreement or making an order.
9. Where the rapid response protocol determines that the Marine Management Organisation would ordinarily co-ordinate actions, the Secretary of State will assume co-ordinating responsibility as the Marine Management Organisation is not defined as an environmental authority for the purposes of these provisions.
10. Where an environmental authority is already funding action under an existing eradication programme prior to these provisions coming into force, it should continue to be responsible for any additional measures required under these provisions.

2.2 Existing process

11. Currently, environmental authorities may make arrangements with owners on a voluntary basis to gain access to their premises to control invasive non-native species. In the majority of cases, these informal arrangements have proved to be effective.
12. Where an environmental authority wishes to gain access to premises, it must first seek agreement with the owner under the current informal, non-statutory approach. Agreement reached under this approach is likely to be less of a burden on both the owner and the environmental authority.

2.3 How these provisions will be applied

13. Where an environmental authority has been unable to secure an owner's agreement within a reasonable timeframe on an informal basis, it may consider using these statutory provisions. However, the focus of the statutory provisions remains on negotiating voluntary agreements, where practicable. The environmental authority must first make reasonable efforts to conclude an effective species control agreement with an owner.
14. However, where this cannot be concluded, the environmental authority has powers to make a species control order to require an owner to take action against an invasive non-native species (and formerly resident native species), or to allow the environmental authority to do so.

2.4 Scope of the measures

15. The scope of these measures includes any animal whose natural range does not include Great Britain (i.e. non-native species) where such species can be shown to be, or be capable of being, invasive. This includes, but is not limited to, the non-native animals that have become ordinarily resident in Great Britain that are listed in Part 1 of Schedule 9 to the Wildlife and Countryside Act 1981.
16. The scope also extends to animals that are re-introduced to England within their natural range but which are no longer normally present in the wild, where this is the result of unlicensed human actions. This includes animals listed on Part 1B of Schedule 9 to the Wildlife and Countryside Act 1981.
17. The scope does not apply to a small number of native species on Part 1A of Schedule 9 that are listed there to ensure that any releases are carried out appropriately.
18. The scope also applies to non-native plant species that are listed on Part 2 of Schedule 9 to the Wildlife and Countryside Act 1981.
19. The provisions can be applied in the terrestrial, freshwater and marine environments.

2.4.1 Naturally colonising species

20. From time to time, species naturally arrive in Great Britain through an extension of their natural range (e.g. as a result of climate change). In addition, it is possible that native species that are currently extinct to Great Britain could naturally recolonise from other parts of their natural range at some stage in the future. All such species are out of scope of these measures as they would be considered as within their natural range.
21. However, where a species colonises Great Britain from an area that is outside of its natural range, it would fall within scope of the provisions. For example, the Asian hornet arriving naturally from France, where it was accidentally introduced by human

activity from China, would remain within the scope of these provisions as France does not form part of its natural range.

2.4.2 Species of Community Interest

22. Species of community interest are species listed in [Annex 2, 4 and 5 of the EU Habitats Directive](#) which Member States must take measures to protect. Nationally protected species include those protected by domestic legislation such as those listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2010 or Schedules 5 and 8 of the Wildlife and Countryside Act 1981.
23. An environmental authority may need to [apply for a wildlife licence](#) from Natural England or the Marine Management Organisation if a species control agreement or order will affect a:
- species of community interest;
 - nationally protected species.
24. An environmental authority may also have to make separate notification to Natural England if works affect a Site of Special Scientific Interest or Natura 2000 site. It may have to make a licence application to the Marine Management Organisation if it involves a licensable activity.

2.4.3 The significant adverse impact test

25. The scope of these measures in relation to invasive non-native species is limited by a test of whether the species is likely to have a significant adverse impact, if uncontrolled, on biodiversity; other environmental interests; or social or economic interests. In determining whether a species meets this test, the environmental authority must consider available information on its likely impacts, in particular any risk assessment carried out by the GB Non-Native Species Secretariat.
26. In relation to formerly resident native species, the environmental authority must have evidence that the animals are causing significant adverse impact to (i) biodiversity; (ii) other environmental interests, or (iii) social or economic interests before it may enter into a species control agreement. It must also be satisfied that there is no appropriate alternative way of preventing or removing the impact(s).

2.4.4 Widespread non-native species

27. These provisions should be used primarily to remove newly arrived invasive non-native species or species that currently have a relatively restricted distribution but have the potential to become more widely spread. In general, it would not be an appropriate use of these powers or an effective use of resources to seek to apply these provisions to invasive non-native species that are already widespread. Other powers may be more appropriate to tackle widely spread invasive non-native species, such as those

contained in the Anti-Social Behaviour, Crime and Policing Act 2014 which permit a local authority or the police to make a Community Protection Notice to tackle ongoing problems or nuisances which negatively affect the community's quality of life.

28. Notwithstanding this, there may be some limited circumstances where the environmental authority may consider it appropriate to make a species control agreement or order in respect of widespread species. These circumstances are:

- the species is part of an eradication programme which is supported by an environmental authority;
- the species is newly arrived in a geographical area and it can be eradicated;
- the species is likely to have a damaging impact on a Site of Special Scientific Interest or a Natura 2000 site.

EXAMPLE

Floating pennywort is a widespread, highly invasive non-native aquatic plant that can displace native flora and interfere with flood control and drainage systems, clog waterways and impact navigation and recreation.

An environmental authority initiates a programme to eradicate Floating pennywort at a catchment-scale level involving a number of landowners. The environmental authority arranges access on a voluntary basis outside of these provisions with the landowners to remove this species. One landowner refuses the environmental authority access to their land, leaving an untreated population of Floating pennywort which could spread to surrounding areas and threaten the success of the eradication programme.

As Floating pennywort is listed as a species of Union concern under the EU Invasive Alien Species Regulation and has been identified by Government as a high priority species, the environmental authority may consider offering a species control agreement to the landowner to allow the removal of Floating pennywort from their land. In order to ensure that the programme can be completed and the efforts of the other landowners are not wasted, the environmental authority determines that it would be appropriate to offer a species control agreement to the landowner in these circumstances.

2.4.5 Premises and dwelling

29. The existing definition of "premises" contained in the Wildlife and Countryside Act 1981 applies to these provisions. This states that premises includes land (including buildings), movable structures, vehicles, vessels, aircraft and other means of transport.

30. For the purposes of these provisions, a “dwelling” is defined as a building or structure, or part of a building or structure, occupied wholly or mainly as a dwelling.

2.5 Animal welfare considerations

31. It is essential that all species control operations are carried out in accordance with legal requirements on animal welfare as set out in the Protection of Animals Act 1911, the Wildlife and Countryside Act 1981, the Wild Mammals (Protection) Act 1996, the Animal Welfare Act 2006, the Agreement on International Humane Trapping Standards, Animal Welfare Standards of the World Organisations of Animal Health and relevant legal provisions in other legislation.

32. All operations must also be carried out in accordance with best practice to ensure that pain, distress or suffering to the animal is avoided or minimised.

33. Where an environmental authority is not carrying out the operations itself, it must advise the owner or party carrying out the operations on the most appropriate method in light of these requirements.

2.6 Safeguarding non-target species

34. The environmental authority should, where practicable, agree methodologies that remove the target species whilst minimising detrimental impacts on non-target species and disruption to legitimate business activities.

2.7 Review of species control provisions

35. The Great Britain Invasive Non-Native Species Strategy is reviewed on a five yearly basis and includes a section on legislative provisions. A review of the operation of these powers will be included as a part of the five yearly Strategy review.

2.8 Publication of numbers of agreements and borders

36. Information on how many species control agreements and orders have been made will be posted annually on the GB Non-native Species Secretariat’s website⁴. This should also cover the number of species control agreements and orders that have been successfully completed during the year, their purpose, how many are still in force and which species have been the subject of these provisions.

⁴ <http://www.nonnativespecies.org//home/index.cfm?>

3. Species control agreements

3.1 What is a species control agreement?

37. A species control agreement is a voluntary agreement made between an environmental authority and an owner of premises that sets out operations that are required to be taken against an invasive non-native species or formerly resident native species. An owner could be the freeholder, leaseholder or a person who exercises powers of management or control over the land.
38. There is no penalty for failing to comply with a species control agreement, although not complying with its terms could lead to the making of a species control order.

3.2 Who can enter into a species control agreement?

39. In England, the Secretary of State, the Environment Agency, Natural England and the Forestry Commissioners are defined as environmental authorities for the purposes of these provisions. These bodies may enter into a species control agreement with any owner of the premises.
40. In the case where there is more than one owner of the premises, the environmental authority must be satisfied that it is entering into the agreement with the most appropriate owner. For example, a leaseholder may be more appropriate than the freeholder if the leaseholder is more actively involved in managing the land.
41. Where any operations may affect a private dwelling e.g. access is required to a roof space, then the agreement (and any subsequent order) may only be entered into by the Secretary of State.

3.3 Species control requirements

42. An environmental authority should consider the following factors in deciding whether to offer a species control agreement:
- whether the premises contains animals or plants that are covered by this guidance;
 - whether the significant adverse impact test is satisfied;
 - whether the species should be controlled as a priority;
 - whether it has a viable plan to control the species based on evidence and best practice guidance;
 - whether its plan is a proportionate response to the problem;
 - whether the additional requirements for formerly resident native species are satisfied.

3.4 Species control priorities

43. In deciding if the species should be controlled as a priority, the environmental authority should consider:

- whether the species is part of a national eradication programme. Species subject of a national eradication programme should automatically be considered a sufficient priority;
- evidence from risk assessments, particularly [assessments made by the Non-native Species Secretariat](#);
- whether the species is listed as a 'species of Union concern' under the [EU Invasive Alien Species Regulation](#). These are species which require co-ordinated action at a European-level;
- whether it is a widespread species – see section 2.4.4 above.

3.5 Determine if the plan to control the species is viable

44. In deciding whether a plan to control the species is viable, the environmental authority should consider:

- the results of any Non-native Species Secretariat risk management analysis of the species;
- the likelihood of the plan succeeding, including the chances that the species will re-invade after the operations are carried out, the costs and benefits of the plan and any ongoing costs after it is finished.

3.6 Determine if the plan to control the species is proportionate

45. If the environmental authority decides that the species should be controlled and the plan is viable, it must also consider whether its intended response is proportionate by taking into account:

- Where lethal methods are proposed, whether non-lethal removal methods may be just as effective;
- any other species that could be harmed by the plan;
- local businesses or their activities that could be harmed by the plan.

3.7 Species control agreements for formerly resident native species

46. If an environmental authority is proposing to offer a species control agreement for a formerly resident native species, it must also:

- make sure that the animals are not present in the wild under a licence issued by Natural England for their reintroduction;
- have evidence that the animals are causing a significant negative effect on biodiversity, environmental, social or economic interests;
- consider the alternatives - it should only offer an agreement if it is satisfied that there no appropriate alternative way of preventing or removing the impact(s).

3.8 What to include in a species control agreement

47. The environmental authority must include in a species control agreement:

- the actions that need to be carried out and who is responsible for each one, for example the owner, or the environmental authority, or both;
- a deadline by which each action must be done.

48. The environmental authority may also include:

- how the actions should be done – all operations should be carried out in accordance with best practice guidance and take into account appropriate animal welfare considerations and biosecurity measures;
- details of any payments that will be made between the environmental authority and the owner;
- details of any third parties that it plans to use to carry out the actions;
- details of any payments to third parties from the environmental authority or the owner;
- any actions that the environmental authority will not allow as part of the plan, for example cutting a non-native plant species during a specified period.

3.9 Offering a species control agreement

49. The environmental authority must contact the owner when it has finalised a species control agreement to:

- explain the reasons for the terms of the agreement;
- see if they will enter into it.

50. The environmental authority should consider any concerns that they raise.

51. Environmental authorities should inform Defra's Non-native Species Team before offering a species control agreement to an owner.

3.10 Ending agreements

52. A species control agreement ends when all its requirements are carried out.
53. When the environmental authority is satisfied that the owner has done this, it must send the owner a letter ('notice of compliance'). The environmental authority should issue the notice of compliance no later than 21 days after it considers that the order has ended. It should also send a copy to Defra's Non-native Species Team.
54. If an owner asks the environmental authority for a letter that confirms an agreement is finished, it should respond within 21 days of receiving that letter.

4. Species Control Orders

4.1 When to issue a species control order

55. A species control order sets out what an owner must do to control the species or states that the environmental authority will be carrying out the actions. The owner must comply with the provisions of the order.

56. An environmental authority may make a species control order if it considers any of the following conditions apply:

- it has been 42 days since it offered the owner a species control agreement which they have not accepted and the environmental authority considers it is unlikely they will;
- the owner has told the environmental authority that they will not sign the species control agreement;
- the owner has failed to comply with a species control agreement even after the environmental authority gave them a reasonable opportunity to rectify this. It is up to the environmental authority to decide how long they have to comply;
- the environmental authority has decided the situation is urgent and it needs to issue an emergency species control order. A species control agreement does not need to be offered in these cases; or
- the environmental authority cannot identify the owner of the premises.

57. The environmental authority must also be satisfied that the provisions of the species control order are proportionate to the objective to be achieved.

4.1.1 Formerly resident native animals

58. Before making a species control order for formerly resident native animals, the environmental authority must also:

- make sure the animals are not present on the premises due to Natural England issuing a licence for their reintroduction;
- have evidence that the animals are causing a significant negative effect on biodiversity, other environmental interests, or social or economic interests;
- consider the alternatives. The environmental authority should only offer an order if it is satisfied that there no appropriate alternative way of preventing or removing the impact(s).

4.2 What to include in a species control order

59. A species control order must specify:

- the species to be controlled;
- the actions that need to be carried out and who is responsible for each one, for example the owner, or the environmental authority, or both;
- a deadline by which the actions in the order must be completed, by the environmental authority or the owner.

60. The order cannot specify that the operations are carried out until the period for making an appeal has finished, unless it is an emergency species control order.

61. The order should also, where appropriate, include a map of the premises covered by it.

62. The order may also specify:

- how the tasks set out in it must be carried out - all operations should be carried out in accordance with best practice guidance and take into account appropriate animal welfare considerations and biosecurity measures;
- any payments to be made by the environmental authority to the owner or another person for the reasonable costs of the operations;
- any payments that the owner must make to the environmental authority for the reasonable costs of the operations;
- any operations that the owner must not carry out;
- details of any third parties carrying out the operations on the behalf of the environmental authority.

63. Environmental authorities should inform Defra's Non-native Species Team before making a species control order.

4.3 Coming into force of the order

64. A species control order will normally come into force as soon as the environmental authority has made it, although it can specify that it comes into force at a later date. The environmental authority must send a notice and a copy of the order to all known owners and to Defra. The notice must explain to the owners the reasons for making the order and any requirements imposed by it on the owner and should also explain the purpose of the order and what will happen if they do not carry out the tasks in it. In cases where the owner is unknown, the environmental authority must give notice of the order by placing on the premises conspicuously.

65. An owner then has 28 days from the date that the notice was sent to appeal to the First-tier Tribunal. If the owner appeals, they do not have to carry out any tasks set out in the order or allow works to take place until the appeal has been resolved or they withdraw it.

66. The First-tier Tribunal aims to carry out an appeal within 30 weeks of its submission by the owner.

4.4 Emergency species control orders

67. An environmental authority can make an emergency species control order which means the owner must allow it to carry out the work immediately. An environmental authority should only do this if:

- delay in carrying out the plan could significantly affect biodiversity, environmental, social or economic interests;
- removing or controlling the species is in the public interest and this overrides the owner's private interests, for example in cases where the species can rapidly spread if it is not eradicated as soon as possible;
- it has considered the factors in section 3.3 above.

68. Although the environmental authority can carry out the operations as soon as an emergency order has been made, an owner can still appeal against it.

69. The First-tier Tribunal can suspend an emergency species control order if an owner appeals.

Example

The environmental authority receives a credible report of an Asian hornet nest on an owner's land. The environmental authority is satisfied, based on the risk assessment produced by the GB Non-native Species Secretariat, that it is a species that is likely to have significant adverse impacts on biodiversity, social and economic interests. It is also satisfied that this species is of sufficient priority to warrant action as there is a national contingency plan in place for it, and that eradication is a viable option.

Given the Asian hornet is a highly mobile invasive non-native species, the environmental authority determines that the species requires immediate eradication as it may establish and spread quickly. The owner refuses the environmental authority access to the land to confirm the presence of the species. The environmental authority considers the threat posed by this species is such that it cannot wait for the agreement process to be concluded. It concludes that there are reasons of overriding public interest to make a species control order under the emergency provisions. It determines the operations contained in the order – surveillance, followed by eradication if the species is confirmed - are proportionate.

4.5 If the environmental authority cannot identify the owner

70. The environmental authority should try to find the owner of the premises by carrying out a Land Registry search, as a minimum.

71. If the environmental authority cannot find the owner of the premises, it must:

- put a notice on the premises that states it wants to enter into a species control agreement – this will require a warrant issued by a justice of the peace;
- wait at least five days - if there is no response, the environmental authority may issue a species control order.

72. If authorised by a warrant, the environmental authority can access the land and begin work if the 28-day period for making an appeal has expired and no owner has appealed. For an emergency species control order, the environmental authority can access the land as soon as the warrant is issued. However, if an owner comes forward, they can still appeal against the order within the 28-day period and the First-tier Tribunal can suspend it.

4.6 Ending orders

73. A species control order ends when all its requirements are carried out.

74. When the environmental authority is satisfied that the owner has done this, it must send the owner a letter ('notice of compliance'). The environmental authority should issue the notice of compliance no later than 21 days after it considers that the order has ended. It should also send a copy to Defra's Non-native Species Team.

75. If an owner asks the environmental authority for a letter that confirms an order is finished, it should respond within 21 days of receiving that letter.

4.7 Revoking species control orders

76. An environmental authority can revoke a species control order at any time, for example if it decides it is no longer needed or fit for purpose.

77. The environmental authority must give the owner notice in the same way it did when it made the order, though it does not have to set out the reasons for withdrawing it.

5. Powers of entry, enforcement, offences and penalties

5.1 Powers of Entry

78. An environmental authority may use powers of entry or authorise others to use them to access an owner's premises if they need to do any of the following:

- where there are reasonable grounds for suspecting a species is on the premises, decide whether to offer a species control agreement;
- where there are reasonable grounds for suspecting a species is on the premises, decide whether to make or withdraw a species control order;
- investigate any suspected non-compliance with an agreement or order;
- carry out tasks that are part of a species control order;
- put a prominent notice on the premises, if the environmental authority has not been able to find or contact the owner;
- carry out work, or have work carried out on the environmental authority's behalf, after an owner has breached a species control order.

79. An environmental authority requires a warrant from a justice of the peace to exercise powers of entry in these circumstances:

- the premises are someone's home;
- the owner has refused to allow admission to the premises or it can be assumed that they will;
- the premises are unoccupied;
- the owner is temporarily absent.

80. An environmental authority should give all known owners at least 48 hours' notice of your intention to use these powers.

81. An environmental authority also requires a warrant from a justice of the peace to exercise powers of entry in these circumstances if it:

- considers that giving notice would defeat the purpose of the entry, for example you believe the owner may dispose of species illegally;
- needs to enter the premises to carry out tasks as part of an emergency species control order;
- needs to enter the premises to carry out tasks where it cannot identify the owner;
- needs to enter the premises to put up a conspicuous notice because it could not identify the owner;
- needs to carry out urgent work because it considers the owner has breached a species control order.

82. Anyone authorised by an environmental authority to exercise a power of entry can take other people, equipment and machinery or materials onto the land.

83. They can also take samples of anything on the premises.

5.2 Enforcement

84. If an environmental authority considers that an owner has breached a species control order (for example by failing to do tasks that the order requires them to do), it may carry out the work itself. The environmental authority may then recover the costs from the owner, less any payment it would have been required to make to them.

85. Before the environmental authority does this, it must first write to the owner to:

- explain why it considers that they have breached the order;
- allow them a week from the date of the letter to carry out any required operations.

86. An environmental authority may want to allow the owner more than a week if weather or other factors make it difficult for them to do the work in that amount of time.

87. An environmental authority may prosecute an owner who fails, without reasonable excuse, to comply with any part of a species control order or intentionally stops someone else from doing so.

88. If an owner is found guilty, they can be imprisoned for a maximum of 6 months, or fined, or both.

6. Responsibility for costs and compensation

6.1 Responsibility for the costs of species control operations

89. In the vast majority of cases, the owner of premises will not have been responsible for the introduction of the species found on their premises. In those circumstances, the environmental authority will meet the costs of all operations.

Example

The environmental authority enters into a species control agreement with an owner to remove monk parakeets that are nesting in their garden. The owner bears no responsibility for the initial release of the birds into the wild. In these circumstances, the environmental authority will meet all costs of the operations.

90. However, if a landowner breaches a species control order, this could result in enforcement action and additional cost which may be recovered by the environmental authority – see section 5.2 above.

91. Where the landowner is directly responsible for introducing the species on their premises, which is an offence under section 14 of the Wildlife and Countryside Act 1981, then the landowner will be liable for the costs of the operations. A landowner will have a right of appeal against any liability for costs to the First-tier Tribunal.

Example

The environmental authority is aware that prairie dogs are routinely escaping into the wild from a wildlife park due to inappropriate containment. The environmental authority enters into a species control agreement with the wildlife park setting out a requirement for improved fencing. The cost of the fencing falls to the wildlife park as it bears responsibility for the animals being released into the wild.

6.2 Compensation

92. Owners can contact the Secretary of State after the work set out in an agreement or order has been finished to ask for compensation for financial loss. For example, damage to property or crops caused by:

- any work associated with a species control agreement or order;
- use of powers of entry to access their land.

93. The Secretary of State may set a minimum level only over which claims will be considered.
94. An owner is very unlikely to get compensation if they released the species without a licence that was covered by an agreement or order.
95. The Secretary of State will review the decision on compensation if an owner disagrees with it.

6.3 Disputes

96. Where a dispute arises between an environmental authority and an owner which does not form part of the statutory appeal process, the environmental authority should seek to address the issue through its usual dispute resolution procedures.

7. Right to appeal

97. Any owner of the premises has a right of appeal against the making of, or any provision contained, within a species control order, not just the owner on whom the order imposes requirements.

98. An appeal must be made to the First-tier Tribunal within the deadline set by its statutory rules, currently 28 days from the date on which notice of the order was sent.

99. The First-tier Tribunal may:

- affirm the order;
- direct the environmental authority to revoke or amend the order;
- in the case of an emergency species control order, suspend the order; or
- make such other order as the Tribunal thinks fit.

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