

Sent: 20 July 2017 10:35

Name:
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Do you have any suitable law reform projects to suggest?

Review the working of the law regarding Invasive Non-native Species, for which the main legislation is Section 14 of the Wildlife and Countryside Act 1981 as amended, and the Wildlife and Natural Environment (Scotland) Act 2011.

Do you have any project to suggest that would be suitable for the Commission Bill process in the Scottish Parliament; or, in relation to reserved matters, for the House of Lords procedure for Commission Bills?

I presume for the Scottish Parliament, but not sure.

Please provide us with information about the issues with the law that you have identified:

Not enough scope in the legislation to make any significant impact.

- Focus is said to be on prevention but there is nothing about screening of biological material at Customs import, where it would have most impact for prevention. For example, ash die-back disease came into the country through importing of infected young ash trees, now an epidemic across the country.
- Landowners are not required to have a management plan for already-present most-invasive species, unless they are in danger of spreading to neighbouring land. But all species are evolved to have ways of spreading, through air by wind, through the soil, through water-courses, and via insects, birds and animals etc. The law appears to ignore basic laws of biological science. Every invasive non-native plant has potential to spread to any neighbouring land, both close-by and at a large distance, so all of them are in danger of spreading to neighbouring land. I know less about non-plant invasive non-natives, but no doubt the same basic laws hold true.
- If a member of the public wishes to report an invasive non-native species, it is often not even possible to find out who is the landowner. There are also many areas of land where ownership appears to be disputed.
- Public bodies like SNH, Councils, appear not to have the powers they need to intervene effectively.

Please provide us with information about the impact these issues are having in practice:

There are many areas of widespread infestation of Invasive Non-Natives in our part of Central Scotland where no action to control is being taken. Public landowners, for example Local Councils, Network Rail, Scottish Water, lack the necessary skills to identify invasive species, despite this being essential for meeting their legal obligations. It is also often not any one person's, or one

department's responsibility. This problem can be even more marked with some private landowners. Even when infestations of Invasive Non-Natives are drawn to Public or Private landowners' attention, most often little or no action is taken. Sometimes the landowner promises to do so, year after year, but does not in fact undertake any management action to control it. Sometimes partial management is undertaken, which is never going to be effective.

When a member of the public informs responsible bodies of invasive non-natives, Local Councils or SNH, very often there are endless reasons given in response as to why no effective action can be taken. I have personally been advised by SNH, supposedly a 'lead body', to take action myself as a member of the public, that I should contact the landowner to press for action, as they had no powers to do anything more than the ineffective action they had already taken. How is a member of the public even supposed to find out who the landowner of a piece of land is, if there is no building on it to give a clue? How is a member of the public going to be seen as having a locus and any power to get action? In this one case, I did find out the landowner in due course. I did follow it up, and a management plan for this one area of Invasive Non-Natives has now been started, but for part of the infestation only. But there are numerous other areas where nothing at all is being done and the species are rampant, with an increase in adverse impact on native species year by year. In some cases, for example Giant Hogweed, the species are also dangerous for human health. Others, for example Himalayan Balsam, prevent human recreation on infested river banks and similar areas. All of them crowd out our native biodiversity, already under great pressure from a whole range of other factors from intensive agricultural practices to climate change to development pressures.

Please provide us with information about the potential benefits of law reform:

- More effectively prevent new invasive species coming into the country through Customs scrutiny of imported biological material, as in Australia, for example.
- More effectively address and require control / management of existing invasive non-natives on land/property of public bodies and private landowners.
- Reduced pressure on our native biodiversity, allowing it to flourish in areas where it has been driven out.
- Reduce risks to human health and increase access for human recreation for example on riverbanks.

General comments:

Our environment is the bedrock of all human activity. It is dispiriting that it is so often seen as low priority. A healthy environment is crucial for nature itself, but also for humans. We need to look after it better, even if only for selfish reasons.

Link to Scottish Wildlife Trust Policy: https://scottishwildlifetrust.org.uk/wp-content/uploads/2016/09/002__057__publications__policies__Policy_on_non_native_invasive_species__June_2012__1339581874.pdf